

PB# 00-6

**Cornwall Commons
(Lot Line Change)**

37-1-45.1

TOWN OF ANDOVER WINDSOR
PLANNING BOARD

~~APPROVED COPY~~

DATE: Property Annexed
To Cornwall

RT. 9W & FORGE HILL RD.
60 LOT SUB. (JACOBOWITZ)

Prelim Appl. GRANTED 8/27/03
1/14/04 - 2/27/04
6/9/04 - 8/27/04
2/27/05

PLANNING BOARD
TOWN OF NEW WINDSOR

AS OF: 01/23/2007

PAGE: 1

LISTING OF PLANNING BOARD ACTIONS

STAGE:

STATUS [Open, Withd]
W [Disap, Appr]

FOR PROJECT NUMBER: 0-6

NAME: CORNWALL COMMONS LLC - SUBDIVISION

APPLICANT: CORNWALL COMMONS, LLC

--DATE--	MEETING-PURPOSE-----	ACTION-TAKEN-----
01/01/2006	PROPERTY ANNEXED TO CORNWAL	CLOSE FILE
01/14/2004	REQUEST FOR EXT PRELIM APPR . EXPIRES 8/27/04	GRANTED 6 MONTHS
08/27/2003	P.B. APPEARANCE . NEED DRAINAGE DISTRICT - NEED FIRE APPROVAL BEFORE GOING TO . HEALTH DEPARTMENT	PRELIMINARY APP
07/23/2003	P.B. APPEARANCE . ADOPTED SEQRA FINDINGS STATEMENT	ADOPT SEQRA FINDINGS
07/09/2003	P.B. APPEARANCE - PUB HEARIN . DISCUSS ROADS WITH MARK & HENRY KROLL - NO PUBLIC COMMENT - . ANDY KRIEGER, MARK & APPLICANT TO DISCUSS ADOPTING FINDINGS . - POSSIBLY ON NEXT AGENDA	CLOSED PH -RETURN
05/14/2003	P.B. APPEARANCE	SCHED PH
04/24/2002	P.B. APPEARANCE	ACCEPT DGEIS
03/22/2000	P.B. APPEARANCE . REQUESTED AT LEAST AN	DISCUSSED PROJECT EMERGENCY ACCESS TO COMMERCIAL AREA
03/08/2000	P.B. APPEARANCE - DISCUSSION	SUBMIT APPLIC



TOWN OF NEW WINDSOR

TOWN CLERK'S OFFICE
555 UNION AVENUE
NEW WINDSOR, NEW YORK 12553
Telephone: (845) 563-4611
Fax: (845) 563-4670

cc Bldg
Eng.

APR 12 2006

TOWN CLERK'S OFFICE

REQUEST FOR PUBLIC RECORDS

Date: 4-12-06

Name: Rich Lake - Geo-Technology Associates

Address: 24 Worlds Fair Dr StB
Somerset NY 08873

Phone: (732) 271 9301

Representing: GTA

Please specify:

- **Property location (street address or section, block and lot number)**
- **Department you are requesting records from**
- **Describe information requested as fully as possible**

Parcel 37-1-45.1

Building

Engineering

Research for the parcel as part of an
environmental due diligence

Documents may not be taken from this office.

CORRESPONDENCE

CORNWALL_COMMONS_-_REQUEST_FOR_EXTENSION_OF_PRELIMINARY
APPROVAL

MR. PETRO: Correspondence, Cornwall Commons, request for extension of the preliminary approval. Dear Chairperson Petro and Board Members: I'm writing to you on behalf of Cornwall Commons, the applicant that formally requests that the planning board grant an extension of the preliminary approval of the above-referenced subdivision which expires on August 27, 2005. We continue to work diligently, various involved agencies, not yet been able to obtain all necessary approvals from involved agencies submitted to both the Town of Cornwall and Town of New Windsor, requests an extension of the applicant's property located in the Town of New Windsor and Town of Cornwall, therefore, we are requesting that the board extend the preliminary approval for an additional six months to run from August 27, 2005 to February 27, 2006 at your next meeting. Michele L. Babcock for Mr. Joseph Amato. Mark, any problems with that?

MR. EDSALL: No, I think it's reasonable, given the fact that the two towns are trying to finish this arrangement, I'd suggest you grant it.

MR. PETRO: Motion for 6 month extension.

MR. SCHLESINGER: Make a motion for six month extension for the preliminary approval for the Cornwall Commons.

MR. MINUTA: Second it.

MR. PETRO: Motion has been made and seconded that the New Windsor Planning Board grant six month extension for the Cornwall Commons for preliminary approval. Any further discussion? If not, roll call.

August 24, 2005

33

ROLL CALL

MR. SCHLESINGER	AYE
MR. MASON	AYE
MR. GALLAGHER	AYE
MR. MINUTA	AYE
MR. PETRO	AYE

GERALD N. JACOBOWITZ
DAVID B. GUBITS
JOHN H. THOMAS JR.
GERALD A. LENNON
PETER R. ERIKSEN
HOWARD PROTTER
DONALD G. NICHOL
LARRY WOLINSKY
ROBERT E. DINARDO
J. BENJAMIN GAILEY
MARK A. KROHN*
JOHN C. CAPPELLO
GEORGE W. LITHCO
MICHAEL L. CAREY
*LL.M. IN TAXATION

JACOBOWITZ AND GUBITS, LLP

COUNSELORS AT LAW

158 ORANGE AVENUE
POST OFFICE BOX 367
WALDEN, NEW YORK 12586-0367

(845) 778-2121 (845) 778-5173 FAX
E-mail: info@jacobowitz.com

August Agenda
G. BRIAN MORGAN
KIRK VAN TASSELL
SANFORD R. ALTMAN
MARK T. STARKMAN
AMANDA B. BRADY
IRA J. COHEN
MICHELE L. BABCOCK
GARY M. SCHUSTER
WILLIAM E. DUQUETTE
KARA J. CAVALLO
JAYNE E. DALY
NICOLE M. MARIANI

JOHN S. HICKS*
PAULA ELAINE KAY*
*Of Counsel

June 7, 2005

Hon. Chairperson and Planning Board
Town of New Windsor
555 Union Avenue
New Windsor, New York 12553

Re: Cornwall Commons
Our File No. 203-123

Dear Chairperson Petro and Board Members:

I am writing on behalf of Cornwall Commons, the applicant, to formally request that the Planning Board grant an extension of the preliminary approval of the above referenced subdivision which expires on August 27, 2005.

The applicant and his consultants continue to work diligently with the various involved agencies and are processing the applications in order to obtain the approvals necessary prior to final subdivision approval. Nevertheless, we have not yet been able to obtain all of the necessary approvals from all involved agencies. Additionally, a petition has been submitted to both the Town of Cornwall and the Town of New Windsor requesting the annexation of the applicant's property located in the Town of New Windsor to the Town of Cornwall. Therefore, we respectfully request that the Board extend the preliminary approval for an additional six-months, to run from August 27, 2005 to February 27, 2006, at your next meeting.

I thank the Board in advance for your attention and consideration in this matter.

Very truly yours,

Michele L. Babcock
Michele L. Babcock

8/24/05

cc: Mr. Joseph Amato

Granted 6 month extension
EW

CORRESPONDENCE:

CORNWALL COMMONS SUBDIVISION (00-06)

MR. PETRO: Cornwall Commons subdivision, request for 6 month extension of preliminary approval which will expire on 2/27/05, it's basically that simple. Due to the size and scope of the project, it is next to impossible to obtain all the necessary approvals from all the involved agencies within the timeframe allotted, therefore, I respectfully request that the board extend preliminary approval for additional six months to run from February 27, 2005 to August 27, 2005. Thank you. Any problem with that, Mar?

MR. EDSALL: I think it's a reasonable request.

MR. PETRO: Gentlemen, any problems? Entertain a motion for 6 month extension.

MR. MASON: So moved.

MR. SCHLESINGER: Second it.

MR. MASON: Motion has been made and seconded that the New Windsor Planning Board grant 6 month extension of preliminary approval to the Cornwall Commons subdivision and we'll run it from those dates, check those, make sure they're correct.

ROLL CALL

MR. SCHLESINGER	AYE
MR. MASON	AYE
MR. MINUTA	AYE
MR. ARGENIO	ABSTAIN
MR. PETRO	AYE



RESULTS OF P.B. MEETING OF: February 23, 2005

PROJECT: _____ P.B. # _____



NEGATIVE DEC:

M) S) VOTE: A N

CARRIED: Y N

CARRIED: Y N

M) _____ S) _____ VOTE: A _____ N _____ SCHEDULE P.H.: Y _____ N _____

SEND TO DEPT. OF TRANSPORTATION: Y

REFER TO Z.B.A.: M) _____ S) _____ VOTE: A _____ N _____

RETURN TO WORK SHOP: Y___ N___

APPROVAL: - extension of Prelim Approval

M) S S) M VOTE: A 5 N 0, . APPROVED: _____

NEED NEW PLANS: Y N

CONDITIONS – NOTES:

[illegible]

GERALD N. JACOBOWITZ
DAVID B. GUBITS
JOHN H. THOMAS JR.
GERALD A. LENNON
PETER R. FRANKEN
HOWARD PROTTER
DONALD G. NICHOL
LARRY WOLINSKY
ROBERT E. DINARDO
J. BENJAMIN GAILEY
MARK A. KROHN*
JOHN C. CAPPELLO
GEORGE W. LITCO
*LL.M. IN TAXATION

JACOBOWITZ AND GUBITS, L.L.P.

COUNSELORS AT LAW

155 ORANGE AVENUE
POST OFFICE BOX 367
WALDEN, NEW YORK 12586-0367

(845) 778-2121 (845) 778-5173 FAX
E-mail: info@jacobowitz.com

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GARY M. SCHUSTER
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LINDA F. MADOFF*
JOHN S. HICKS*
PAULA ELAINE KAY*

*Of Counsel

November 22, 2004

Hon. James Petro, Chairperson and Planning Board
Town of New Windsor
555 Union Avenue
New Windsor, New York 12553

Re: Cornwall Commons
Our File No. 203-123

Dear Chairperson Petro and Board Members:

I am writing on behalf of Cornwall Commons, the applicant, to formally request that the Planning Board grant an extension of the preliminary approval for the above referenced subdivision granted by your board on June 9, 2004.

The applicant and his consultants are still working diligently with the various involved agencies and are processing the applications in order to obtain the approvals necessary to obtain prior to final subdivision approval. Due to the size and scope of the project it is next to impossible to obtain all of the necessary approvals from all involved agencies within the time frame allotted. I, therefore, respectfully request that the Board extend the preliminary approval for an additional six-months, to run from February 27, 2005 to August 27, 2005, at your next meeting.

I thank the Board in advance for your attention and consideration in this matter.

Very truly yours,


John C. Cappello

cc: Mr. Joseph Amato

2/23/05

GRANTED 6-month extension



GERALD N. JACOBOWITZ
DAVID B. GUBITS
JOHN H. THOMAS JR.
GERALD A. LENNON
PETER R. ERIKSEN
HOWARD PROTTER
DONALD G. NICHOL
LARRY WOLINSKY
ROBERT E. DINARDO
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IRA J. COHEN
MICHELE L. BABCOCK

LINDA F. MADOFF*
JOHN S. HICKS*
PAULA ELAINE KAY*
*Of Counsel

May 28, 2004

MB@J

Hon. James Petro, Chairperson and Planning Board
Town of New Windsor
555 Union Avenue
New Windsor, New York 12553

***Via Facsimile: 563-4693
and Regular Mail***

Re: Cornwall Commons
Our File No. 203-123

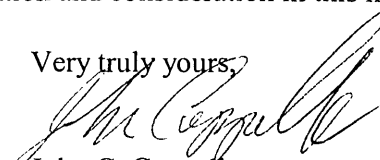
Dear Chairperson Petro and Board Members:

I am writing on behalf of Cornwall Commons, the applicant, to formally request that the Planning Board grant a second extension of the preliminary approval for the above referenced subdivision granted by your board on August 27, 2003.

The applicant and his consultants are still working diligently with the various involved agencies and are processing the applications in order to obtain the approvals necessary to obtain prior to final subdivision approval. Due to the size and scope of the project it is next to impossible to obtain all of the necessary approvals from all involved agencies within the time frame allotted. I, therefore, respectfully request that the Board extend the preliminary approval for an additional six-months, to run from August 27, 2004 to February 27, 2005, at your next meeting.

I thank the Board in advance for your attention and consideration in this matter.

Very truly yours,


John C. Cappello

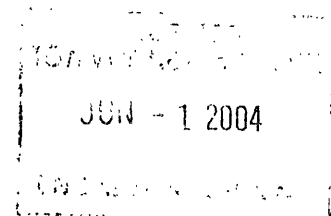
cc: Mr. Joseph Amato

@

@ A } 5 days
⑤ S } 0 days

6/10/04 Sent e-mail to Michele Babcock
To let her know of extension.

W:\203\123\MB0613.WPD



CORRESPONDENCE

CORNWALL COMMONS LLC (00-06)

MR. EDSALL: As I understand it, they have a letter in to the board requesting an extension OF their preliminary approval. It may in fact be expiring either in late July or August. What they're requesting is six months from that date forward. I reviewed the new code under 257-13 paragraph H, it does allow extensions for six months. Just so the board's aware of it, the new code limits it to four extensions unless you can prove a specific hardship or cause why you should get more than four extensions, you're not going to get it so there's a limit now on the new version of the code so I would recommend that you grant the six months.

MR. PETRO: Motion for a 6 month extension.

MR. ARGENIO: So moved.

MR. KARNAVEZOS: Second it.

MR. PETRO: Motion has been made and seconded that the New Windsor Planning Board grant 6 month extension to the Cornwall Commons. Any further discussion from the board members? If not, Myra, you'll check the dates, make sure they run together?

MS. MASON: Yes.

MR. PETRO: Roll call.

ROLL CALL

MR. MASON	AYE
MR. SCHLESINGER	AYE
MR. ARGENIO	AYE
MR. KARNAVEZOS	AYE

June 9, 2004

72

MR. PETRO

AYE

GERALD N. JACOBOWITZ
DAVID B. GUBITS
JOHN H. THOMAS JR.
GERALD A. LENNON
PETER R. ERIKSEN
HOWARD PROTTER
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JOHN C. CAPPELLO
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SANFORD R. ALTMAN
PAULA ELAINE KAY
MARK T. STARKMAN
AMANDA B. BRADY

LINDA F. MADOFF*
JOHN S. HICKS*
*Of Counsel

January 6, 2004

Hon. James Petro, Chairperson and Planning Board
Town of New Windsor
555 Union Avenue
New Windsor, New York 12553

***Via Facsimile: 563-4693
and Regular Mail***

Re: Cornwall Commons
Our File No. 203-123

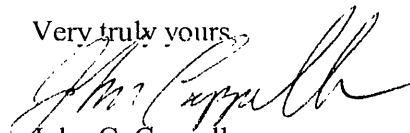
Dear Chairperson Petro and Board Members:

I am writing on behalf of Cornwall Commons, the applicant, to formally request that the Planning Board grant an extension of the preliminary approval for the above referenced subdivision granted by your board.

The applicant and his consultants have been working diligently with the various involved agencies and are processing the applications in order to obtain the approvals necessary to obtain prior to final subdivision approval. Due to the size and scope of the project it will take a considerable amount of time to process these applications. I, therefore, respectfully request that the Board extend the preliminary approval for an additional 6 months, at your next meeting.

I thank the Board in advance for your attention and consideration in this matter.

Very truly yours,



John C. Cappello

cc: Mr. Joseph Amato

CORRESPONDENCE:

CORNWALL COMMONS LLC (00-06)

MR. PETRO: I have a letter. "Dear Chairperson Petro and Board Members: I'm writing on behalf of Cornwall Commons, the applicant, to form a request granting extension for preliminary approval for the above-referenced subdivision granted by your board." John C. Cappello. Does anybody have any problem with that? Mark, you don't have a problem?

MR. EDSALL: No, they've got a lot of issues they're working on.

MR. ARGENIO: Where is that?

MR. PETRO: Cornwall Commons off 9W Forge Hill Road. All right, motion for six month extension.

MR. ARGENIO: So moved.

MR. LANDER: Second it.

MR. PETRO: Motion's been made and seconded that the New Windsor Planning Board grant 6 month extension to the Cornwall Commons LLC. Any further discussion from the board members? If not, roll call.

ROLL CALL

MR. SCHLESINGER	AYE
MR. MASON	AYE
MR. LANDER	AYE
MR. ARGENIO	AYE
MR. PETRO	AYE

Expires 8/27/04



RESULTS OF P.B. MEETING OF: August 27, 2003

PROJECT: Cornwall Commons P.B. # 00-06

LEAD AGENCY:

AUTHORIZE COORD. LETTER: Y____N____
TAKE LEAD AGENCY: Y____N____

M)____S)____VOTE: A____N____
CARRIED: Y____N____

NEGATIVE DEC:

M)____S)____VOTE: A____N____
CARRIED: Y____N____

PUBLIC HEARING: **WAIVED:**_____ **CLOSED:**_____

M) _____ S) _____ VOTE: A _____ N _____ SCHEDULE P.H.: Y _____ N _____

SEND TO O.C. PLANNING: Y____
SEND TO DEPT. OF TRANSPORTATION: Y____

REFER TO Z.B.A.: M)____S)____ VOTE: A____N____

RETURN TO WORK SHOP: Y___ N___

APPROVAL:

APPROVAL: Preliminary

M) A S) B VOTE: A 5 N 0

APPROVED: Preliminary 8/27/03

NEED NEW PLANS: Y_____ N_____

CONDITIONS – NOTES:

Need Drainage District
Need fire approval before going to Health Dept.

REGULAR ITEMS:

CORNWALL COMMONS SUBDIVISION (#00-06)

John Cappello, Esq. and Mr. Art Tully of Lanc & Tully appeared before the board for this proposal.

MR. PETRO: Proposed 66 lot residential subdivision for single family homes. This application was previously reviewed at the 22 March 2000, 24 April 2002, 14 May 2003, 9 July 2003, 23 July 2003 planning board meetings. Both Cornwall and New Windsor Planning Boards have adopted findings and concluded the SEQRA process. The application is returned seeking preliminary approval such that they can proceed with the preparation of application packages to various state and county agencies. That roadway that was going in, did you get that straightened out with the dedication to the town?

MR. CAPPELLO: We have a note there that it's to be dedicated to the Town of New Windsor and what the findings statement that you adopted does is it directs us to agree on the appropriate mechanism between preliminary and final approval because we may actually have to go through an annexation proceeding. But since we figured we're going to have a while to spend while we're getting DEC and all the various approvals, we'll take care of it at that point and get the highway superintendents together and the supervisors together to come up with the best mechanism. Right now, it's probably since there's nothing else involved except the road portion, it's not, shouldn't be that difficult to go through an annexation proceeding other than being a little time consuming. So we wanted to make sure we had the design accepted and so we can move forward and take care of that.

MR. PETRO: Mark makes a note that you're going to have to get together with the highway superintendent to

discuss storm water system layouts and applicant is reminded of the need to petition for the creation of a drainage district in support of the common drainage facilities in New Windsor, that would all come before, this would be conditional final approval, preliminary approval before final, you have a lot of work to do.

MR. CAPPELLO: Yeah, we have to go to all the various agencies so it will be a while.

MR. PETRO: We've seen this 1, 2, 3, 4, 5, 6 times, I know you've been to Cornwall.

MR. CAPPELLO: Yes, we have preliminary approval for the five commercial lots in the Town of Cornwall.

MR. PETRO: It was a positive dec also so you did--

MR. CAPPELLO: We went through the whole Environmental Impact Statement.

MR. PETRO: Mark, I know you don't, I just want to proceed and do a preliminary approval because I've seen it so many times. Does anybody have anything outstanding or something different they want to talk about? If not, I'll entertain a motion.

MR. ARGENIO: Motion for preliminary approval for Cornwall Commons major subdivision.

MR. BRESNAN: Second it.

MR. PETRO: Motion has been made and seconded that the New Windsor Planning Board grant preliminary approval to this Cornwall Commons major subdivision on Route 9W. Just a side note, this plan is under review from the municipal highway department, preliminary approval has been given. Mark, we don't have anything current on fire now? On 3/16/2000 he reviewed it, approved the conceptual project conceptually, however, he went on to

a number of things, I don't have much more current than that. Somewhere between preliminary and final, we can get that resolved, is that all right?

MR. EDSALL: The two issues the fire inspector had was number one, the loop access which this board required and is part of the plan now and number two, the water main layout and hydrant layouts which before they can go to the health department they have to submit to us, we'll make sure the fire inspector looks at it.

MR. PETRO: We have a motion that's been made and seconded. Is there any further discussion from the board members? If not, roll call.

ROLL CALL

MR. LANDER	AYE
MR. BRESNAN	AYE
MR. KARNAVEZOS	AYE
MR. ARGENIO	AYE
MR. PETRO	AYE



TOWN OF NEW WINDSOR

TOWN CLERK'S OFFICE
555 UNION AVENUE
NEW WINDSOR, NEW YORK 12553
Telephone: (845) 563-4611
Fax: (845) 563-4670

REQUEST FOR PUBLIC RECORDS

(Please specify or describe item (s) requested)

CORNWALL Commons — AMATE SITE PLAN

Date Records Requested: 9/18/03

Name: NICHOLAS BROWN

Address: 1540 ROUTE 202 SUITE 11
POMONA NY

Phone: (845) 362 7570

Representing: GDC

Documents may not be taken from this office.

Myra

**NEGATIVE DECLARATION
TOWN OF CORNWALL TOWN BOARD**

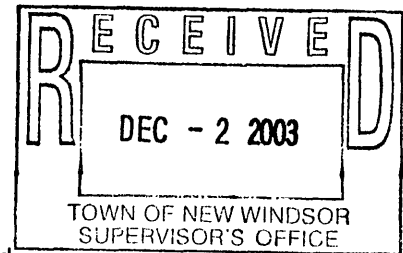
Introductory Local Law #9 of 2003

Determination: Please take notice that, according to the provisions of NYCRR, Part 617.7, the Town of Cornwall Town Board, as lead agency, having reviewed and considered an environmental assessment form and proposed local law for the proposed action has determined that the actions as cited and described below will not have an adverse impact on the environment and the Town Board has, therefore, adopted a resolution to this effect.

Lead Agency: Town of Cornwall Town Board

Contact Person: James Sollami, Supervisor
Town of Cornwall
183 Main Street
Cornwall, New York 12518

SEQRA: Unlisted, less than 25 acres are impacted



Location: Parcel of land on east side of Route 32 south of New Windsor town line and greater than 300 feet from Route 32

Tax Map Parcel: Section 9, Block 1, Lot 54

Action: Rezone a portion of lot 54 from HC (Highway Commercial) to R3 (Residence)

Project Description, Background and Reasons Supporting the Negative

Declaration: The Introductory Local Law proposes to rezone portions of a 24 acre parcel not already zoned R3 to R3 from HC with the exception of the first 300+ feet off Route 32 as shown on a map prepared by Eustance and Horowitz of Circleville, New York. The proposed zoning will allow for the development of a senior housing project of up to 215 dwellings on less than 24 acres which is well under the allowable 20 dwellings per acre or proposed (by Local Law #8 of 2003) 15 dwellings per acre. The site is served by central water and sewer, is located directly off Route 32, is within walking distance of Route 32/94 Hannafords and the five corners intersection and lies immediately adjacent to the Knox Village housing development in the Town of New Windsor.

The zone change is in conformance with the Comprehensive Plan Update of 2003 and the GEIS supporting that document and the Negative Declaration issued on November 25, 2003. Because these uses are proposed in both the adopted plan and proposed zoning law (LL# 8 of 2003) and the supporting Negative Declaration and are more compatible with surrounding uses than the potential HC district uses, there is no environmental impact as a result of this decision.

Date of Action: November 25, 2003

Date of Mailing: November 26, 2003

Involved Agencies:

Town of Cornwall Town Board
183 Main Street
Cornwall, New York 12518

Interested Agencies/Parties:

Town of Cornwall Planning Board
183 Main Street
Cornwall, New York 12518

Orange County Planning Department
124 Main Street
Goshen, New York 10924

Town of New Windsor
555 Union Avenue
New Windsor, NY 12553

Michael Donnelly, Esquire
PO Box 610
Goshen, New York 10924

John Sarcone, Esquire
125 Jackson Avenue
Cornwall, New York 12518



Town of New Windsor

555 Union Avenue
New Windsor, New York 12553
Telephone: (845) 563-4631
Fax: (845) 563-4693

Assessors Office

February 26, 2004

Bloom & Bloom, P.C.
Att: Daniel Bloom
530 Blooming Grove Turnpike
New Windsor, NY 12553

Re: Skulevold, Rolf: Cornwall property – your file # 13552

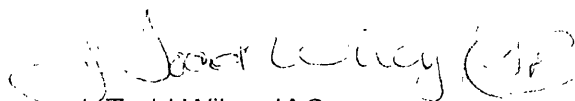
Dear Mr. Bloom,

According to our records, the attached list of property owners are within five hundred (500) feet of the above referenced properties.

The charge for this service is \$35.00, minus your deposit of \$25.00.

Please remit the balance of \$10.00 to the Town Clerk's office.

Sincerely,


J. Todd Wiley, IAO
Assessor

JTW/tmp
Attachments

CC: Myra Mason, ZBA

67-4-4.21
Miele, Michael
40 Riley Road - Unit 2
New Windsor, NY 12553

67-4-6
Duffy, James E
30 Riley Road
New Windsor, NY 12553

67-4-11
Hopkins, George & Edna
P.O. Box 31
Vails Gate, NY 12584

67-4-12.1
Castelo, Joseph
P.O. Box M2108
Hoboken, NJ 07030

67-4-12.2
Erie Properties Corp.
401 So. Water Street
Newburgh, NY 12550

67-4-16
Hudson Valley Drilling
2177 Route 94
Salisbury Mills, NY 12577

67-4-17 & 67-4-18.2
Ciancio, Sandy & Rhoda L
593 Lakeside Road
Newburgh, NY 12550

67-4-18.1
The Ciancio Corporation
593 Lakeside Road
Newburgh, NY 12550

67-4-19
Peterson, Vernon & Brenda
P.O. Box 494
Vails Gate, NY 12584

67-4-20.1
Modh, Paresh R
1136 Route 94
New Windsor, NY 12553

67-4-21
Moshhil, Inc.
14 Fillmore Court - #201
Monroe, NY 10950

67-5-1
Nagy, Daniel J & Carol A
P.O. Box 66
Vails Gate, NY 12584

67-5-2
Sparado, Robert J
1089 Route 94
New Windsor, NY 12553

67-5-4
Collini, Ferdinando & Angela
P.O. Box 116
Vails Gate, NY 12584

67-5-5
Waltke, Robert
Beecher Hill Road - Box 137A
Wallkill, NY 12589

67-5-6
Kanemoto, Edward
544 Lake Road
Monroe, NY 10950

67-5-7
Mayer, Richard G & Karen E
1113 Route 94
New Windsor, NY 12553

67-5-8 & 67-5-10.1
Stockdale, Arthur D
140 VT Route 117
Jericho, VT 05465

67-5-9
Maurice, Frank
14 Maurice Lane
P.O. Box 366
New Windsor, NY 12553

67-5-10.2
Mule, Robert & Victoria
P.O. Box 565
Vails Gate, NY 12584

67-5-11
Refined Home Renovation Co.
c/o Charles O'Kelly
P.O. Box 2588
Newburgh, NY 12550

67-5-12 & 67-5-13
Nacleno, Frederick & Christine
408 Carlton Circle
New Windsor, NY 12553

67-5-14
Bates, Kenneth & Patricia
P.O. Box 294
Vails Gate, NY 12584

67-5-15
County of Orange
255-275 Main Street
Goshen, NY 10924

67-6-1
Monroy, Santiago & Lidia
1145 Route 94
New Windsor, NY 12553

67-6-2
Syvertsen, Leif Finn
1 Gerow Lane
New Windsor, NY 12553

PLANNING BOARD
TOWN OF NEW WINDSOR
555 UNION AVENUE
NEW WINDSOR, N.Y. 12553

Appl No: 1-42

File Date:05/23/2001

SEC-BLK-LOT:65-1-61-1

Project Name:MEADOWBROOK ESTATES

Type:1

Owner's Name:ETRUSCAN ENT. C/O FRANK CAVALARI

Phone:(845) 561-8119

Address:10 MEADOWBROOK RD. - NEW WINDSOR NY 12553

Applicant's Name:WEINBERG, DAVID

Phone:(908) 301-1818

Address:940 SOUTH AVE - WESTFIELD, NJ 07091

Preparer's Name:TECTONIC ENGINEERING

Phone:(845) 534-5959

Address:P.O. BOX 37 - MOUNTAINVILLE, NY 10952

Proxy/Attny's Name:WOLINSKY, LARRY

Phone:(845) 778-2121

Address:158 ORANGE AVE - WALDEN, NY 12586

Notify:SAMUELSON, JANE

Phone:(845) 534-5959

Location:RT. 94

Acreage	Zoned	Prop-Class	Stage	Status
129.760	R-1&3	0		0
Printed-on	Schl-Dist	Sewr-Dist	Fire-Dist	Light-Dist
03/30/2004	CORN			

Appl for:74 LOT RESIDENTIAL SUBDIVISIOIN WITH RELATED INFRASTRUCTURE

Addl Municipal Services:

Streets:

Water:

Sewer:

Garbage:

As of 8/16/03

Has Preliminary Approval

PLANNING BOARD
TOWN OF NEW WINDSOR
555 UNION AVENUE
NEW WINDSOR, N.Y. 12553

Appl No: 0-6

File Date:03/14/2000

SEC-BLK-LOT:37-1-45-1

Project Name:CORNWALL COMMONS LLC - SUBDIVISION

Type:1

Owner's Name:CORNWALL COMMONS, LLC

Phone:(914) 928-9121

Address:615 ROUTE 32, P.O. BOX 502 - HIGHLAND MILLS, N Y 10930

Applicant's Name:CORNWALL COMMONS, LLC

Phone:(914) 928-9121

Address:615 ROUTE 32, P.O. BOX 502 - HIGHLAND MILLS, NY 10930

Preparer's Name:LA GROUP

Phone:(518) 587-8100

Address:40 LONG ALLEY, SARATOGA SPRINGS, NY 12866

Proxy/Attny's Name:JACOBOWITZ & GUBITS, LLP

Phone:(914) 778-2121

Address:158 ORANGE AVE - PO BOX 367 WALDEN, NY 12586

Notify:GERALD JACOBOWITZ, ESQ

Phone:(914) 778-2121

Location:NYS RT. 9W

Acreage	Zoned	Prop-Class	Stage	Status
52.800	R-3	0		0
Printed-on	Schl-Dist	Sewr-Dist	Fire-Dist	Light-Dist
03/30/2004	CORN			

Appl for:60 LOT RESIDENTIAL SUBDIVISION

Addl Municipal Services:

Streets:

Water:

Sewer:

Garbage:

*As of 8/27/03
has Preliminary Approval*

PLANNING BOARD
TOWN OF NEW WINDSOR
555 UNION AVENUE
NEW WINDSOR, N.Y. 12553

Appl No: 3-23

File Date:07/15/2003

SEC-BLK-LOT:54-1-44-2

Project Name:SHADOW FAX RUN SUBDIVISION PA2003-0371

Type:1

Owner's Name:WAUGH, SUSAN & JOHN

Phone:(845) 564-4538

Address:637 JACKSON AVENUE - NEW WINDSOR, NY

Applicant's Name:SHADOW FAX RUN (DREW KARTIGANER)

Phone:(845) 562-4499

Address:555 BLOOMING GROVE TPK. - NEW WINDSOR, NY

Preparer's Name:MJS ENGINEERING

Phone:(845) 291-8650

Address:261 GREENWICH AVE - GOSHEN, NY 10924

Proxy/Attny's Name:

Phone:

Address:

Notify:JAMES CLEARWATER

Phone:(845) 291-8650

Location:JACKSON AVENUE

Acreage	Zoned	Prop-Class	Stage	Status
69.500	R-1	0		0
Printed-on	Schl-Dist	Sewr-Dist	Fire-Dist	Light-Dist
03/30/2004	WASH			

Appl for:PROPOSED RESIDENTIAL SUBDIVISION OF 22 BUILDING LOTS

Addl Municipal Services:

Streets:

Water:

Sewer:

Garbage:

*As of 3/30/04 -
has no approvals*

PLANNING BOARD
TOWN OF NEW WINDSOR
555 UNION AVENUE
NEW WINDSOR, N.Y. 12553

Appl No: 3-22

File Date:07/15/2003

SEC-BLK-LOT:54-1-53-1

Project Name:MIDDLE EARTH DEVELOPMENT PA2003-0342

Type:1

Owner's Name:CLEMENT, JOHN & CLAY, DOROTHY

Phone:(845) 496-4938

Address:248 STATION ROAD - ROCK TAVERN, NY 12575

Applicant's Name:MIDDLE EARTH DEVELOPMENT (KARTIGANER)

Phone:(845) 562-4499

Address:555 BLOOMING GROVE TPK - NEW WINDSOR, NY 12553

Preparer's Name:MJS ENGINEERING

Phone:(845) 291-8650

Address:261 GREENWICH AVE - GOSHEN, NY 10924

Proxy/Attny's Name:JOHN HICKS, ESQ.

Phone:(845) 778-2121

Address:158 ORANGE AVE - WALDEN, NY

Notify:JAMES CLEARWATER (MJS ENGINEERING)

Phone:(845) 291-8650

Location:STATION ROAD

Acreage	Zoned	Prop-Class	Stage	Status
96.620	R-1	0		0
Printed-on	Schl-Dist	Sewr-Dist	Fire-Dist	Light-Dist
03/30/2004	WASH			

Appl for:SUBDIVISION PROPOSAL FOR 27 RESIDENTIAL BUILDING LOTS.

Addl Municipal Services:

Streets:

Water:

Sewer:

Garbage:

*As of 3/30/04 -
has no approvals*

**NEGATIVE DECLARATION
PURSUANT TO THE STATE ENVIRONMENTAL QUALITY REVIEW ACT
BY THE CORNWALL TOWN BOARD**

**(REAFFIRMATION OF NEGATIVE DECLARATION ON COMPREHENSIVE PLAN
FOR ZONING AMENDMENTS EFFECTUATING SAID PLAN)**

Introduction

Town Law Section 263 requires that zoning be undertaken "in accordance with a comprehensive plan." The Town of Cornwall Planning Board last adopted a Comprehensive Plan on November 25, 2003. The Cornwall Town Board in the exercise of its zoning authority granted under Town Law 261 and 263, as well as the substantial body of case law dealing with comprehensive plans, has conducted a major re-evaluation of the Town's prior 1992 Master Plan for the purpose of updating its Master Plan or Comprehensive Plan and its zoning law. The Town Board has served as Lead Agency pursuant to the State Environmental Quality Review Act ("SEQRA"), Article 8 of the New York Environmental Conservation Law, and the regulations promulgated thereunder (6 NYCRR Part 617) and issues this Negative Declaration in conjunction with the Proposed Action, which is the adoption of Local Laws #8 and 9 of 2003, the zoning amendments which effectuate the 2003 Comprehensive Plan. The Negative Declaration sets forth a summary of the Proposed Action and summarizes the decisions made and the rationale for the Board's decisions in adopting the Plan and these amendments. The Negative Declaration also provides a more detailed discussion for the supporting facts and information relied on by the Board to support the decision.

Lead Agency and Project Sponsor:

Town of Cornwall Town Board

Contact Person:

James A. Sollami, Supervisor
Town of Cornwall Town Hall
183 Main Street
Cornwall, New York 12518
(845) 534-3760

SEQRA status:

Type 1

Location:

Town – Wide, Town of Cornwall
County of Orange

Tax Map Parcel:

Town-wide

Action:

Adoption of Local Laws #8 and 9 of 2003 for the effectuation of the 2003 Comprehensive Plan Update and Zoning Map

Project Description, Background and Reasons Supporting the Negative Declaration:

The Town of Cornwall undertook a review of its land use policies in 2002 by first appointing a comprehensive plan committee comprised of planning board and town board members along with citizen representatives. During the 17 months in which the Town of Cornwall Comprehensive Plan Committee met, it had considered the content of the comprehensive plan update and Town Law Section 272-a, which at subsection 3 sets forth the content of a town comprehensive plan: "The town comprehensive plan *may* include the following topics at the level of detail adapted to the special requirements of the town." The committee considered these items (a) through (o) from section 272-a (3) of the Town Law, in relation to the level of detail it deemed appropriate given changes in Cornwall and other conditions since the Master Plan for Conservation and Development was adopted by the Town of Cornwall on December 7, 1992. It had been the stated intent of the Town Board to update the plan for the purpose of encouraging economic development with tax positive ratables in the special context of Cornwall's environment.

The committee met at least once a month, with all meetings open to and participated in fully by the public. The Comprehensive Plan Committee held a public hearing on May 20, 2003. On June 10, 2003 the committee met and recommended the plan to the Town Board with a three-page addendum referring to changes to the plan that had been presented at the hearing.

During the past summer the town board met to discuss and consider the plan and conducted a public hearing on October 21, 2003. Following the hearing the town board required certain amendments or addenda which are considered as part of the GEIS.

The Town of Cornwall Town Board has considered the plan and has initiated the environmental review process, adopting a Positive Declaration and requiring the preparation of a Generic Environmental Impact Statement (GEIS) to review the potential environmental impacts of adopting the Plan update, including implementation of its recommended policies.

A Generic Environmental Impact Statement (GEIS) is intentionally broader and more general in nature than a site-specific Environmental Impact Statement. It may include an assessment of specific impacts where possible, and may discuss the constraints and consequences of the proposed action in general terms. A GEIS is an appropriate tool to evaluate the potential effects of an action such as adopting a Comprehensive Plan. It does not preclude or eliminate the need for an environmental evaluation of a future site – specific development proposal to the Town or its Planning Board.

Background

The Town of Cornwall last adopted a comprehensive plan in 1992 which included many land use policy and zoning recommendations that remain valid today. However, there have been changes in local and external economic, social and environmental conditions since the Master Plan was prepared and adopted by the planning board in 1992. Results of the 2000 Census of Population and Housing are now available which facilitates socio-economic comparisons between now and then. The dynamics of the past ten years puts the issues identified in the 1992 Plan and the recommended goals and objectives in perspective, highlighting those that are still valid. Also, based on

revisions to Section 272-a of Town Law, it is the Town Board that must now adopt the Comprehensive Plan.

The critical planning issues identified in the 1992 Master Plan included:

- Regional Growth Pressures / Growth Management
- Economic Development
- Natural Environment
- Affordability of Housing
- Open Space
- Design and Aesthetics
- Agriculture Preservation
- Sensitivity to the Needs of Various Population Segments
- Water and Sewer Systems
- Roads and Traffic

Though most of these issues are still relevant, regional growth pressures have not severely impacted Cornwall due to its distance from an interchange with the New York State Thruway, accessibility of much of its terrain, and the fact that about 40 percent of land is now reserved for open space (13 percent more than ten years ago). Agricultural preservation remains important to community character and small town charm and much of the farmland has been preserved or is proposed for preservation through the Schunemunk Agricultural / Scenic Overlay District or proposed new Mountain Conservation and Agricultural Rural Residential Districts. These protected areas should be maintained and expanded where found to be necessary. Also, all aspects of the 1992 plan have been incorporated into the current plan by reference unless they were specifically changed.

Impacts on Land and Land Use

- The zoning amendments expand the Main Street /Downtown area toward the hospital and Cedar Lane which strengthens the issues considered most important such as the retail/service mix, parking and traffic circulation and aesthetics
- Local Law #8 establishes Architectural Design District regulations.

The downtown Cornwall study component indicates that steps should be taken to implement the plan which are protective of the downtown and its land use and economic environment which is provided for in this amendment.

The Comprehensive Plan also contains a land use and conservation plan component which describes the proposed land uses.

A primary issue remaining from the 1992 Plan is the continuous desire to preserve community character and environmentally sensitive areas while promoting economic development in Cornwall. Economic development does not necessarily require large-scale industrial and commercial development. The strength of Cornwall lies in its many small, well-established businesses, its viable downtown area, its historic significance, proximity to major attractions such as West Point and its beautiful natural setting in the Hudson River Valley. All of these features support the 1992 Plan conclusion that the most appropriate industry for Cornwall is tourism. The land use categories used in preparing Local Laws #8 and 9 which support the Plan Update include the following:

- **Conservation Lands:** Lands owned by conservation and open space groups, areas dedicated to open space, reservoirs and their watershed areas and open space areas containing museums, hotels and conference centers on large parcels as part of an open space enclave. Residential uses in such areas are generally related to the open space uses and are allowed at an overall density of one unit per ten acres. Clustering will allow residences on smaller lots subject to conservation easements.
- **Agricultural Lands:** Existing lands in agricultural use proposed for preservation for agricultural use into the future. Such areas are in locations which may have residential zoning at densities of one unit per four to ten acres.
- **Rural Residential (Conservation Density):** Rural areas in scenic overlay or ridge preservation, steep slopes and conservation and preservation areas. Density of residential development would be allowed at one unit per four acres and clustering will be encouraged. Bed and Breakfast Inns and Bed and Breakfasts are allowed on larger lots.
- **Suburban Residential (Low Density):** Residential development is allowed at densities of one unit per two acres but, because water or sewer may be available in these areas, clustering should be encouraged to preserve open space and to make utility services more efficient. Bed and Breakfasts, crafts and antique stores are allowed in these areas on larger lots.
- **Suburban Residential (Medium Density):** These areas contain the heart of Cornwall's residential development from the village west around the Canterbury area, along the New Windsor border and across the Thruway along Orrs Mills Road to the new high school. Densities allow for half-acre single family lots with multi-family and townhouse units in selected areas as well as Planned Adult Communities (PAC's) at higher densities.
- **Local Business:** Local business uses are limited to convenience stores, gas stations and small retail and service uses serving scattered residential areas.
- **Downtown Commercial:** Mixed commercial and residential area located only along Main Street in Cornwall's Historic Downtown Commercial area.
- **Highway Commercial:** Larger commercial uses such as motor vehicle dealerships, catering halls, lumber yards, auto repair and other uses generally found along highways such as small strip malls. These areas are relegated to sections of Routes 9W, 32 and 94 but should be buffered from local residential areas.
- **Conservation/Planned Development:** These areas are expanded from prior CPD areas to include planned adult communities, a mix of commercial, office park, limited warehousing, hotel / conference center, public and quasi - public areas with substantial conservation and setback limitations established to provide for tax positive ratables while preserving environmental features.
- **Planned Industrial Areas:** These areas are basic industrial areas limited to existing industrial locations along Shore Road and the Thruway.

Summary of Major Recommendations of the plan included in Local Laws #8 and 9

The primary tools for land use and conservation plan implementation are through the zoning law and the plan states that new regulations should be prepared and adopted for the following amendments to the zoning law, Chapter 158 of the Town of Cornwall Code. These included:

1. Architectural Review procedures are recommended for inclusion as a Planning Board responsibility with advice from either an architectural consultant or special board.
2. Planned Adult Communities regulations with design guidelines are recommended for inclusion in the Zoning Law.
3. Schedule of permitted uses has been revised to include the following recommendations:
 - a. Truck and freight terminals are not appropriate at any location in Cornwall and should be removed from the schedule of permitted uses.
 - b. Museums, art centers and outdoor recreational uses are now permitted in the MCR zone.
 - c. Proposed Planned Adult Communities are now permitted as a conditional use in the CPD and new SR-1, SR-2, and HC zones.
 - d. Hotels, conference centers, and inns will be permitted in the MCR and CPD zones. Bed and breakfast and country inns will be permitted in some residential zones, commercial zones and in the CPD zone.

Required Permits and Approvals

The Town of Cornwall Town Board is the only agency with the authority to adopt the proposed Zoning Amendments, pursuant to Section 261 and 263 of New York State Town Law. Adjoining municipalities and the Orange County Planning Department will receive copies of this document as Interested Agencies.

The Town of Cornwall Planning Board according to Town Law may review and approve the plan. A copy of the committee's recommendations was given to Planning Board members prior to the May 20, 2003 hearing. The final version was delivered to the Planning Board on September 26, 2003. Amendments were provided at the request of the Town Board on October 31, 2003 and are part of this review and Negative Declaration.

Summary of Impacts

This Generic Environmental Impact Statement identified no significant harmful impacts associated with adopting and implementing the proposed Zoning Amendments. The policies promote protection of sensitive environmental features and community character, along with a reasonable level of balanced land use which provide for a variety of housing densities and types. Economic development policies related to commercial and industrial locations also considered areas with optimally suitable environmental conditions for such land uses. These are considered beneficial impacts.

In addition, the plan recommends that further environmental regulations be considered and prepared. These would also be protective of the environment, including such regulations as local wetland regulations, stream preservation regulations and aesthetic regulations pertaining to architectural review.

Alternative Actions

The proposed Zoning Amendment effectuates the Plan and is comprehensive by nature and, as a result, considers and balances multiple resource issues while addressing the reasonable needs of the community for change and growth. The "no-action alternative" would involve not adopting or implementing the proposed Plan Update and retaining the existing 1992 Plan and current zoning. This was the sole alternative used as a basis for comparison through the Generic Environmental Impact Statement.

The 1992 Plan was reviewed by the Committee and its consultant to identify specific elements that required updating due to environmental, economic and demographic changes since it was adopted. Though many of the Goals and Objectives remain valid, there were certain elements that required a more current approach and these were the subjects of the Plan Update. Changes to the plan were made, finally, as a result of the last public hearing in October 2003 and are effectuated in Local Law #8.

The committee considered numerous public comments and discussions throughout the planning process, many of which were incorporated into the Plan Update and its policies. The document recommended to the Town Board as the culmination of the Comprehensive Plan Committee's work was, therefore, a well-considered, comprehensive and balanced plan update. Final changes to the plan were made as a result of the last public hearing in October 2003 and these local laws are a result of those changes.

Impact on Environmental Setting and Community Character

Cornwall's distance from Interstate Highways and limited capacity of the thoroughfares that do exist impact the economic development potential of the Town. The Plan update took these locational features into consideration by recommending that economic activities that require intense use of roadways and highway access such as truck terminals, distribution centers and large commercial developments be discouraged. The preferred economic development activities are those that are tourism related and that enhance the small or local business establishments that define Cornwall's identity as a scenic area rich in historic, natural and cultural attractions.

The Plan Update includes a stated policy that, in order to preserve its small town character and remain a destination point for passenger vehicles rather than an access point for truck traffic, the Town is not in favor of locating a NYS Thruway interchange within its boundaries. These policies are intended to alleviate any potential additional truck traffic beyond the capacity of the existing roadway network. This is of particular importance along Route 32 and portions of Routes 9W and 94 where major widening could impact adjacent stream corridors, wetlands, steep grades, flood plains and scenic corridors.

The proposed Plan Update incorporates information and maps regarding environmental conditions and limitations within the town of Cornwall. There are numerous references

to the visual character and the importance to the town's natural environment to its future - from a land use as well as an economic development perspective.

Information included on the Plan maps is described in the following summaries of environmental conditions. Also included in the summaries are potential impacts that were considered and proposed mitigation, if necessary.

Impacts on Land (Mountains and hillsides)

Approximately 35 percent of the Town of Cornwall includes areas of steep terrain, with natural grades of 20 percent or more and ridge lines above the slopes. These areas are found in the southwest part of town (Schunnemunk Mountain Preservation Area) and along the east border of the Town from the New York Military Academy to the Black Rock and Storm King areas. Although much of this land is owned by public or non-profit organizations and is covered by conservation easements, further protection was considered important to prevent loss of preserved land through sale or other transfer of ownership.

The proposed Plan Update strengthens the mandate to protect the hillsides, ridgelines and steep slopes as recommended in the 1992 Plan. Yet this protection must also be done in balance with the need to implement the Economic Development objectives and need to enhance the Town's revenue. In order to meet these potentially conflicting objectives, the Plan Update states that these sensitive lands will continue to be preserved through two environmental overlay districts and that clustered residential development be encouraged in other areas of town. The existing Schunnemunk Agricultural Scenic Overlay and Ridge Preservation Overlay Districts include a large portion of the preserved land, while the rest would be included in the new Mountain and Conservation Residence (MCR) District and the Agricultural Rural Residence (ARR) District.

The MCR district is intended to accommodate the existing RR (Rural Residential area uses such as parkland, Black Rock Forest, conservation easements and protected open space, agricultural uses, and other uses not already included in the overlay districts as they exist. Minimum lot size for all uses in the MCR zone is 10 acres. The intent of this requirement is that, as land is preserved in conservation easements, those parcels will be rezoned to MCR and protected from resubdivision. The economic development policies can be furthered by allowing hotels and bed and breakfasts to encourage tourism and allow the open space and recreational uses to be supplemental to the natural beauty provided to visitors by the mountains and hillsides.

The effect of the proposed Plan is beneficial and protective with respect to the mountains and hilly terrain and alleviates potential impacts not fully covered in the 1992 Plan. No mitigation measures are needed because the impacts are beneficial.

Impacts on Open Space and Recreation (Scenic roads and trails)

The proposed Plan Update notes the importance of certain roads that are entryways to the Town and their importance as gateways to Cornwall's natural scenic beauty and small town charm. Primary areas of concern are along Route 32 near the Storm King Art Center and Angola Road through Mountainville, Route 94 and Route 9W near the New York Military Academy as well as the downtown entry points at Quaker Avenue and Main Street. The proposed Plan Update encourages enhancing the visual impact of these areas with tree planting and landscape treatments where needed, limitations on the size and character of non-residential development, and maintaining large - lot residential development and requiring clustered residential development where appropriate. Another recommendation to protect the scenic beauty of Cornwall was modification of the intensity of some of the uses allowed in the Conservation Planned Development District as proposed in the 1992 Plan. These recommendations are discussed in the Land Use and Zoning portion of this GEIS.

The Plan Update also notes that portions of several major trails pass through Cornwall and encourages linking existing trails with historic sites, thereby creating an historic trail to augment tourism opportunities. These trails are shown on the Open Space and Conservation Plan.

The proposed Plan Update is beneficial with respect to the scenic roads and trails in Cornwall and alleviates any potential harmful impacts that could have resulted from the 1992 Plan. No mitigation measures are needed because the impacts are beneficial.

Impacts on Water Resources

The proposed Plan Update briefly addresses concerns regarding wetlands, streams, and floodplains noting that there is a need to strengthen existing regulations and create new regulations to alleviate these concerns. The Open Space element of the Plan Update recommends that the Town prepare and adopt wetland, stream preservation and conservation easement guidelines including increased setbacks from banks of streams.

The proposed Plan Update advocates a positive and protective policy toward wetlands, streams and floodplains and supports existing and future regulations that will further protect these water resources. No harmful impacts on water resources will be caused by the Plan Update, thus, no mitigation is necessary.

Impacts on Water Resources (Aquifer and Well-head Protection)

The proposed Plan Update does not include extensive information about groundwater resources. However, the Open Space and Conservation Plan does map the existing public water supply wells, the 5 and 10 year protection zones and the 200 foot and 1500 foot wellhead protection buffers. Wellhead protection areas to be developed and regulated by the Town, in coordination with the Orange County Water Authority (OCWA), will be beneficial to the protection of the Town and Village water supplies.

The proposed Plan supports the protection of the town's critical natural resources, not the least of which in importance are its aquifers and groundwater quality. These areas were mapped on the Open Space and Conservation Plan early in the planning process and their presence was carefully considered in the recommendations regarding

residential densities, open space preservation, and in the Town's concurrence with the Village recommendation to expand the Water District. The proposed Plan Update is beneficial with respect to the aquifer and well-head protection in Cornwall and alleviates any potential negative impacts that could have resulted from previous Plan recommendations. No mitigation measures are needed because the impacts are beneficial.

Impacts on Water Resources (Surface water bodies, surface watercourses and preservation areas)

The Open Space Plan identifies the numerous surface water bodies, wetlands and streams, as well as preservation areas in which they are located. The proposed Plan Update recognizes the importance of providing buffer areas along streams and other water bodies as a means of protecting water quality and strongly recommends this regulation. The importance that the Plan Update places on strengthening existing regulations and adopting new regulations for water bodies and watercourses indicates that the impacts will clearly be beneficial and no mitigation measures are required.

Impacts on Water Resources (Floodplains)

Although the Plan Update does not address floodplains specifically, they are shown on the Open Space Plan along Moodna Creek, Woodbury Creek and a small area west of Angola Road and north of Erin Court. The 1992 Plan states that all development should avoid encroachment in the 100 year floodplain. This policy is clearly supported in certain Plan Update zoning recommendations that identify areas to be down-zoned from PIO to CPD or Residential zoning districts. No harmful impacts on Floodplains are anticipated from this proposed Plan Update, thus, mitigation measures are not required.

Impacts on Water (Drainage improvements)

Although the Plan Update does not specifically address drainage improvements, the Town deals with this issue regularly through site plan review and subdivision regulations. Furthermore, new EPA guidelines extend SPDES permit for stormwater runoff and erosion control from 5 acres to an acre of developed land or less under certain conditions. The strengthened Federal and State regulations along with Plan Update recommendations with regard to furthering environmental protection, indicate that the proposed Plan Update will produce beneficial impacts toward implementing drainage improvements. Therefore, no mitigation measures are required.

Impacts on Traffic and Transportation

The proposed Plan Update does not include a specific transportation element. However, references to its link with land use issues are found throughout the Plan and transportation and parking issues are addressed thoroughly in the Downtown Revitalization element of the Plan Update. The 1992 Plan devoted an entire section to Transportation issues and the Plan Update restates the goal to "Provide a variety of motor vehicle, rail and bicycle / pedestrian transportation alternatives in areas of existing and future housing and employment activity." Some examples of specific recommendations to alleviate traffic and parking problems include the proposed parking plan and traffic circulation improvements in the Downtown Revitalization element, Cornwall's clear policy statement against providing a NYS Thruway interchange within the Town, recommendation to prohibit truck terminals and limit other uses that would create harmful impacts on roads in the Town industrial areas, and recommendation to extend and link pedestrian and bicycle trails throughout the Town where feasible.

The proposed Plan Update recommends numerous zoning changes, cluster development, expanding pedestrian access and parking improvements in the Downtown area, all of which are expected to produce beneficial impacts on the roads and alleviate traffic problems. Thus, no mitigation measures are required.

Impacts on Public Facilities and Services (Water and Sewer Utilities)

The proposed Plan Update notes that central water services are currently provided by the Town of Cornwall in co-operation with the Village of Cornwall-on-Hudson and the Town of New Windsor. These water and sewer service areas are limited to the northeast portion of the Town due to the environmentally sensitive nature of much of the land in the west and southeasterly portions of Town. The Plan includes a water service area map showing existing water districts as well as proposed water service areas.

As stated in the Plan Update, the Village recommended extending the water area west to cover much of the area east of the NYS Thruway and both sides of Orrs Mills Road west of the Thruway up to Route 94. The Town Board favored this expansion proposed by the Village in late 2002, and voted for its approval in March, 2003. The new water service area may expand farther to the north as additional property owners request service.

The Plan Update notes that sewer service areas should also be considered for expansion into all higher density residential areas including the suburban density residential and developed SR-2 areas along with the Cornwall Commons PIO area.

The Plan Update supports the actions being taken by the Town, in cooperation with the water and sewer districts, to expand and upgrade these service areas. No harmful impacts are anticipated from Plan Update recommendations regarding water and sewer service. Therefore, no mitigation measures are necessary.

Impacts on Schools

The proposed Plan does not create significant impacts on the Cornwall Central School District or on its facilities. The proposed Plan does include some recommendations that are expected to be positive or beneficial impacts for the school district. For example, regulations for Planned Adult Communities (PAC) that restrict occupancy to adults age 55 and over are recommended in several locations. If developed, these communities will not generate additional school children, however, they will produce significant revenues for the Town and the School District. Another recommendation was to change the land use designation for properties along Palomino Drive just east of the new High School to suburban residential from industrial. This will allow use more compatible with the high school, thereby, producing a positive or beneficial impact. Many of the recommendations regarding parking, aesthetic and traffic flow improvement in downtown Cornwall will result in beneficial impacts to the middle school and the Willow Avenue Elementary School, both of which are adjacent to downtown Cornwall.

Given the anticipated neutral or beneficial impacts on the Cornwall Central School District and its facilities, no mitigation is required.

Impacts on Recreation and Parkland; Open Space

The proposed Plan Update recognizes the importance of recreation, parkland and open space to Cornwall by devoting an entire section to this issue and incorporating relevant recommendations in this regard throughout the document. The Town Recreation Department, established in 1998, is responsible for recreation programs and 44 acres of town parkland. The Town intends to acquire a 40 acre site off of Angola Road near Kendridge Farm from Cornwall Central School District for a proposed Town Park.

Many recreation and open space areas operated by nonprofit and other public agencies are found throughout the Town and are inventoried in Table 5.1. The Town of Cornwall includes 15,833 acres, approximately 6,500 acres of which is preserved for open space or recreation. This represents 41 percent of the Town and a 1,300 acre increase since the 1992 Plan. At that time 5,200 acres, or 32 percent of the Town was included in the total preserved for open space or recreation. Cornwall has 1,271 acres of parkland including 1,100 of State parkland, and 78 acres of private recreation area. Approximately 4,765 acres of other private or publicly owned open space is included in the 6,500 acre total noted above.

The Plan recognizes the need for open space and recreation, but cautions that this must be weighed against the real problem for Town revenues resulting from such a high proportion of tax exempt land. To alleviate this potential conflict, future land set-asides should be in the two environmental overlay areas and through clustering of development elsewhere in the Town. Additional recommendation to support open space preservation and recreation include the following:

- I. Fees in lieu of parkland should be raised to support recreation development and required of all residential properties. The recommendation is a \$2,000 fee in lieu of parkland.
- II. Market the Town as a scenic recreational area and provide for land uses in nearby commercial and higher density residential areas that will attract tourists and encourage development of Planned Adult Communities.
- III. Limit commercial and industrial uses to those that are small in scale, generate modest amounts of traffic and will blend into the community.
- IV. Conduct a recreation study in coordination with a Town Central Park Plan to determine future recreation needs in terms of land area and uses for an estimated future Town – Village population of 15,000.

The proposed Plan Update recommends actions and policies that support the preservation of open space and provision of recreational land. Thus, any impacts are expected to be beneficial and no mitigation measures are necessary.

Impacts on Public Facilities

The proposed Plan Update does not include a Public Facilities element as the 1992 Plan addressed Community Facilities. However, the Town's goal regarding Community Facilities is to ensure that existing facilities continue to adequately serve populations they are intended to serve, and to provide new facilities in areas planned for future development.

Various public facilities are referred to throughout the Plan Update, as appropriate. For example, the Plan Update provides the background for the recommendation to "expand the water and sewer districts as proposed in order to allow appropriate residential or commercial development, working with the Village of Cornwall-on-Hudson and the Town of New Windsor where necessary." Another facility mentioned is the DPW Garage located in the northeast section of the Town adjacent to the Village. The Plan recommends that this area be rezoned to PIO to more accurately reflect land uses such as the DPW Garage and other non-residential properties. The Open Space and Recreation element notes that a recreation study should be done in conjunction with planning a new Central Park on the site proposed for acquisition and development. This may present an opportunity in the future to expand Town Hall, Justice Court, the Police Department, the Library or other facilities into a portion of the existing park adjacent to Town Hall, if necessary.

Due to the moderate growth anticipated from the policies and recommendations in the proposed Plan Update, no significant impact on the Town's Public Facilities or ability to serve the current and future population is anticipated. The only exception may be in the limited revenues resulting from the large amount of protected open space. To address this potential impact, the Plan Update proposes revenue – generating land uses at appropriate locations and a recreation fee in lieu of parkland. Other than the fiscal concern, no other significant impacts are anticipated. Thus, no further mitigation measures are necessary.

Impacts on Agriculture

The agricultural uses lie within areas not proposed for central services and which are proposed for preservation in the plan. Therefore, there will be no significant impact on agriculture.

Other Impacts- cultural, solid waste, energy, irreversible, growth inducement

The proposed Plan Update discusses cultural resources in the town relevant to maintaining its historic character and encouraging tourism related economic development activities. The Town Board notes that the Planning Board is charged with evaluating SEQR for land use applications, and appropriately considers cultural resources among other things. This is also true of solid waste. Although solid waste generation may be less under the proposed Plan Update, this can vary depending on the specific needs of commercial and industrial users that may locate in the town. Nothing in the proposed Plan encourages significant waste generators to operate in the town, therefore it is appropriate for the Planning Board to evaluate the specific solid waste impacts of a given land use during its local permit and SEQR review process. The solid waste and recycling issues are handled through the Orange County Department of Public Works which collects and disposes of all solid waste produced in Orange County. At the present time, the County has expanded its recycling program which applies to all communities and will be enforced in 2004.

This Generic Environmental Impact Statement does not anticipate any significant energy use and conservation impacts from implementing this proposed Plan Update. There is nothing in the Plan that would encourage any significant change in use or conservation of energy as compared with the 1992 Plan and current zoning.

Irreversible of Irretrievable Commitments of Resources, Unavoidable Impacts

The proposed Plan Update does not irreversibly or irretrievably commit the town's own municipal resources, nor does it promote the irreversible commitment of any other natural resources. Rather, the Plan's policies promote thoughtful, balanced land use that protects the town's character and resources, consistent with a reasonable use of land as envisioned in the Plan Update. The only unavoidable potential impacts that might be anticipated from adopting and implementing the Plan is that some individual property owners may feel that their property value - or their anticipated property value - might be changed by specific zone changes adopted pursuant to this Plan. These are not truly impacts so much as differences in perception. The fact is that community character is very important and affects property values beneficially, such that quality communities are more desirable, as are lands adjoining open spaces. In Balance, the town board perceives that choosing an appropriate level of land use densities and pursuing quality community objectives, as described in the Orange County Plan, will benefit the community 's well-being, as well as the property values of all.

Growth - inducing Aspects of Action

The proposed Plan Update and Zoning Law Amendments does not induce growth overall, but is a carefully considered, comprehensive set of policies designed to address the future development of the Town of Cornwall and balance its growth. It is not appropriate to consider the proposed Plan Update a response to growth where it actually is a forward-looking set of policies designed to address the town's future comprehensive land use and community well-being, consistent with sections 272-a, 261 and 263 of New York State Town Law.

Impact on Future Regulations and Developments in Regard to SEQRA

The zoning regulations developed based on the Comprehensive Plan Update are in accordance with the adopted plan. SEQRA issues addressed in the plan cover zone changes and amendments in accordance with the plan.

Since this GEIS is, by definition, generic and not site – specific, any future development proposal before the Planning Board or Town Board must fully address SEQRA and this document in no way inhibits any future SEQRA action of these boards in regard to future development proposals.

<u>Date of Action:</u>	December 2, 2003
<u>Date of Mailing:</u>	December 3, 2003
<u>Involved Agencies:</u>	Town of Cornwall Town Board Main Street Chester, New York 12518

Interested Agencies/Parties:

Town of Cornwall Planning Board
183 Main Street
Cornwall, New York 12518

Village of Cornwall-on-Hudson
325 Hudson
Cornwall-on-Hudson, NY 12520

Orange County Planning Department
124 Main Street
Goshen, New York 10924

Town of Blooming Grove
6 Horton Road
Blooming Grove, New York 10914

Town of New Windsor
555 Union Avenue
New Windsor, NY 12553

Town of Woodbury
511 Route 32
Highland Mills, NY 10930

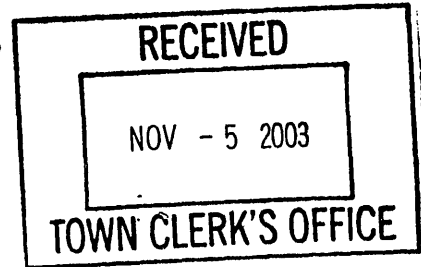
Town of Highlands
213 Main Street
Highland Falls, NY 12543

Palisades Interstate Park Commission
Administration Building
Bear Mountain State Park
Bear Mountain, NY 10911-0427



TOWN OF NEW WINDSOR

TOWN CLERK'S OFFICE
555 UNION AVENUE
NEW WINDSOR, NEW YORK 12553
Telephone: (845) 563-4611
Fax: (845) 563-4670



REQUEST FOR PUBLIC RECORDS

(Please specify or describe item (s) requested)

CORNWALL COMMONS

APPLICATION TO

PLANNING BOARD

Date Records Requested: 11/5

Name: GERALD CAREY

Address: 1069 MAIN ST FISHKILL

Phone: (845) 896-5333 X 237

Representing: McGRATH & CO

Documents may not be taken from this office.

NOTICE OF INTENT TO DECLARE LEAD AGENCY
CHESTNUT WOODS
TOWN OF CORNWALL PLANNING BOARD, COUNTY OF ORANGE

Please take notice that, according to the provisions of Article 8 of the Environmental Conservation Law and the New York Code of Rules and Regulations Part 617.6, the Town of Cornwall Planning Board has resolved to seek Lead Agency status for purposes of Coordinated Review of the project named below:

Name of Project: Chestnut Woods Project

Action Type: Type I Action

Location: Town of Cornwall, County of Orange

Location: east side of NYS Route 32 at Town of New Windsor line, abutting the Moodna Creek

Zoning District: R-3 Residential, HC Highway Commercial

Tax Map Parcel: Section 9 Block 1 Lot 19.2

Summary of Action:

The action involves a request for site plan approval of a project involving the construction of 228 dwelling units and clubhouse, a 14-room bed and breakfast facility, and 20,000 square feet of retail on a site with a gross total of approximately 24 acres. The tract is located on the east side of New York State Route 32 at the Town of New Windsor municipal boundary, and the easterly part of the site abuts both the Moodna Creek and Knox's Headquarters, which listed on the State and National Register of Historic Places. The site itself also contains a dwelling that is also Register-eligible. Central water and sewer services will need to be provided for the site.

The Planning Board has determined the action to be Type I due to its abutting Knox's Headquarters. The applicant has indicated the intent to prepare a Draft Environmental Impact Statement and desires the matter of Lead Agency to be established at the earliest possible juncture.

Date of Intent to Seek Lead Agency Resolution: October 6, 2003

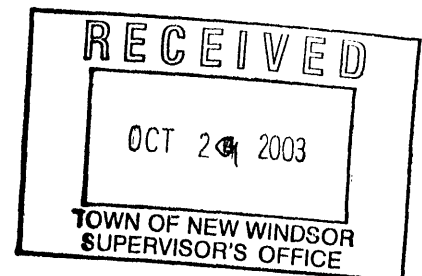
Date of Mailing: October 27, 2003

Agency Address: Town of Cornwall Planning Board

Town Hall – 183 Main Street

Cornwall, New York 12518

Tel.(845) 534-9429



*Orig. to Myra - Jan P.B.
CC: Bob Boyd*

Contact Person: Neil Novesky, Planning Board Chairman

Attachment: LF EAF Part I, site location on p/o Cornwall USGS topo quadrangle

Involved and Interested Agencies:

Involved and Interested Agencies to Receive a Copy of the EIS and this Notice:

**Town of Cornwall Town Board
183 Main Street
Cornwall, New York 12518**

**Town of New Windsor Town Board
555 Union Avenue
New Windsor, New York 12553**

**NYS Department of Transportation – Region 8
attn: Planning Department
4 Burnett Boulevard
Poughkeepsie, NY 12603**

**NYS DEC Region 3
21 South Putt Corners Road
New Paltz, NY 12561**

**NYS OPRHP
Field Services Bureau – Peebles Island
PO Box 189
Waterford, NY 12188-0189**

**Orange County Department of Planning
124 Main Street
Goshen, NY 10924**



**CORNWALL PLANNING BOARD MEETING
REGULAR MEETING
November 3, 2003**

CALL TO ORDER
CORRESPONDENCE
DISCUSSION
DECISION
OLD BUSINESS
APPROVAL OF MINUTES
RESOLUTION

Jeheber
Village Center - *Find up location*

7:30 P.M.

Project#2001-16 Public Hearing
 Meadowbrook Estates
 Rt. 94
 Subdivision
 Section: 4 Block: 1 Lot: 9.22&11

Project#2002-11 Public Hearing
 Versland
 Old Rt. 32
 Subdivision
 Section: 36 Block: 1 Lot: 8&9

Project#2003-7 Lands of Raffaele Leone
 Mineral Springs Road
 Subdivision
 Section: 30 Block: 2 Lot: 5

Project#2003-14 ✓ Satterly
 281 Jackson Avenue
 Subdivision
 Section: 1 Block: 1 Lot: 10
 No Maps

Project#2003-17 ✓ Torres
 111 Main Street
 Day Care-Neg Dec
 Section: 15 Block: 3 Lot: 18

Project#2003-20 ✓ Gray/Douglas
 16 Willow Avenue
 Lot Line Change
 Section: 22 Block: 1 Lot: 13

617.20
Appendix A
State Environmental Quality Review
FULL ENVIRONMENTAL ASSESSMENT FORM

Purpose: The full EAF is designed to help applicants and agencies determine, in an orderly manner, whether a project or action may be significant. The question of whether an action may be significant is not always easy to answer. Frequently, there are aspects of a project that are subjective or unmeasurable. It is also understood that those who determine significance may have little or no formal knowledge of the environment or may not be technically expert in environmental analysis. In addition, many who have knowledge in one particular area may not be aware of the broader concerns affecting the question of significance.

The full EAF is intended to provide a method whereby applicants and agencies can be assured that the determination process has been orderly, comprehensive in nature, yet flexible enough to allow introduction of information to fit a project or action.

Full EAF Components: The full EAF is comprised of three parts:

- Part 1:** Provides objective data and information about a given project and its site. By identifying basic project data, it assists a reviewer in the analysis that takes place in Parts 2 and 3.
- Part 2:** Focuses on identifying the range of possible impacts that may occur from a project or action. It provides guidance as to whether an impact is likely to be considered small to moderate or whether it is a potentially-large impact. The form also identifies whether an impact can be mitigated or reduced.
- Part 3:** If any impact in Part 2 is identified as potentially-large, then Part 3 is used to evaluate whether or not the impact is actually important.

THIS AREA FOR LEAD AGENCY USE ONLY

DETERMINATION OF SIGNIFICANCE -- Type 1 and Unlisted Actions

Identify the Portions of EAF completed for this project:



Part 1



Part 2



Part 3

Upon review of the information recorded on this EAF (Parts 1 and 2 and 3 if appropriate), and any other supporting information, and considering both the magnitude and importance of each impact, it is reasonably determined by the lead agency that:



A. The project will not result in any large and important impact(s) and, therefore, is one which **will not** have a significant impact on the environment, therefore a **negative declaration will be prepared**.



B. Although the project could have a significant effect on the environment, there will not be a significant effect for this Unlisted Action because the mitigation measures described in PART 3 have been required, therefore a **CONDITIONED negative declaration will be prepared**.*



C. The project may result in one or more large and important impacts that may have a significant impact on the environment, therefore a **positive declaration will be prepared**.

*A Conditioned Negative Declaration is only valid for Unlisted Actions

Site Plan Application - Chestnut Woods At Cornwall

Name of Action

Town of Cornwall

Name of Lead Agency

Print or Type Name of Responsible Officer in Lead Agency

Title of Responsible Officer

Signature of Responsible Officer in Lead Agency

Signature of Preparer (if different from responsible officer)

website

Date

PART 1--PROJECT INFORMATION

Prepared by Project Sponsor

NOTICE: This document is designed to assist in determining whether the action proposed may have a significant effect on the environment. Please complete the entire form, Parts A through E. Answers to these questions will be considered as part of the application for approval and may be subject to further verification and public review. Provide any additional information you believe will be needed to complete Parts 2 and 3.

It is expected that completion of the full EAF will be dependent on information currently available and will not involve new studies, research or investigation. If information requiring such additional work is unavailable, so indicate and specify each instance.

Name of Action Site Plan Application - Chestnut Woods at Cornwall

Location of Action (Include Street Address, Municipality and County)

Route 32 Town of Cornwall Orange County

Name of Applicant/Sponsor Dr. Morton Haber

Address 118 Tower Hill Road

City / PO Tuxedo Park State NY Zip Code 10937

Business Telephone 845-567-0822

Name of Owner (if different) _____

Address _____

City / PO _____ State _____ Zip Code _____

Business Telephone _____

Description of Action:

Site Plan Application seeking approval of 20,000 sq ft of retail space in the highway commercial zone, and 228 residential units, 14 bed and breakfast units and clubhouse.

Please Complete Each Question--Indicate N.A. if not applicable

A. SITE DESCRIPTION

Physical setting of overall project, both developed and undeveloped areas.

1. Present Land Use: ☐ Urban ☐ Industrial ☒ Commercial ☒ Residential (suburban) ☐ Rural (non-farm)
☒ Forest ☐ Agriculture ☐ Other _____

2. Total acreage of project area. 23.96 acres.

APPROXIMATE ACREAGE	PRESENTLY	AFTER COMPLETION
Meadow or Brushland (Non-agricultural)	<u>1.0</u> acres	<u>0.26</u> acres
Forested	<u>14.76</u> acres	<u>1.0</u> acres
Agricultural (Includes orchards, cropland, pasture, etc.)	_____ acres	_____ acres
Wetland (Freshwater or tidal as per Articles 24.25 of ECL)	<u>8.2</u> acres	<u>8.2</u> acres
Water Surface Area	_____ acres	_____ acres
Unvegetated (Rock, earth or fill)	_____ acres	_____ acres
Roads, buildings and other paved surfaces	_____ acres	<u>5.0</u> acres
Other (Indicate type) <u>Lawns, stormwater facilities</u>	_____ acres	<u>9.0</u> acres

3. What is predominant soil type(s) on project site?

- a. Soil drainage: ☐ Well drained _____ % of site ☒ Moderately well drained 70 % of site.
☒ Poorly drained 30 % of site

- b. If any agricultural land is involved, how many acres of soil are classified within soil group 1 through 4 of the NYS Land Classification System? 0 acres (see 1 NYCRR 370).

4. Are there bedrock outcroppings on project site? ☐ Yes ☒ No

- a. What is depth to bedrock 5.0+ (in feet)

5. Approximate percentage of proposed project site with slopes:

- ☒ 0-10% 20 % ☒ 10- 15% 74 % ☒ 15% or greater 60 %

6. Is project substantially contiguous to, or contain a building, site, or district, listed on the State or National Registers of Historic Places? ☐ Yes ☒ No

7. Is project substantially contiguous to a site listed on the Register of National Natural Landmarks? ☐ Yes ☒ No

8. What is the depth of the water table? 0-6+ (in feet)

9. Is site located over a primary, principal, or sole source aquifer? ☐ Yes ☒ No

10. Do hunting, fishing or shell fishing opportunities presently exist in the project area? ☐ Yes ☒ No

11. Does project site contain any species of plant or animal life that is identified as threatened or endangered? ☐ Yes ☒ No

According to:

U.S. Fish & Wildlife Service

Identify each species:

12. Are there any unique or unusual land forms on the project site? (i.e., cliffs, dunes, other geological formations?)

☐ Yes ☒ No

Describe:

13. Is the project site presently used by the community or neighborhood as an open space or recreation area?

☐ Yes ☒ No

If yes, explain:

14. Does the present site include scenic views known to be important to the community? ☐ Yes ☒ No

15. Streams within or contiguous to project area:

Moodna Creek

a. Name of Stream and name of River to which it is tributary

Hudson River

16. Lakes, ponds, wetland areas within or contiguous to project area:

Yes, ACOE wetland

b. Size (in acres):

17. Is the site served by existing public utilities? ☒ Yes ☐ No
- a. If **YES**, does sufficient capacity exist to allow connection? ☒ Yes ☐ No
- b. If **YES**, will improvements be necessary to allow connection? ☒ Yes ☐ No
18. Is the site located in an agricultural district certified pursuant to Agriculture and Markets Law, Article 25-AA, Section 303 and 304? ☐ Yes ☒ No
19. Is the site located in or substantially contiguous to a Critical Environmental Area designated pursuant to Article 8 of the ECL, and 6 NYCRR 61.77? ☐ Yes ☒ No
20. Has the site ever been used for the disposal of solid or hazardous wastes? ☐ Yes ☒ No

B. Project Description

1. Physical dimensions and scale of project (fill in dimensions as appropriate).

- a. Total contiguous acreage owned or controlled by project sponsor: 23.96 acres.
- b. Project acreage to be developed: 14.0 acres initially; 14.0 acres ultimately.
- c. Project acreage to remain undeveloped: 9.96 acres.
- d. Length of project, in miles: NA (if appropriate)
- e. If the project is an expansion, indicate percent of expansion proposed. NA %
- f. Number of off-street parking spaces existing 0; proposed 300± including garages
- g. Maximum vehicular trips generated per hour: 200 (upon completion of project)?
- h. If residential: Number and type of housing units:
- | | One Family | Two Family | Multiple Family | Condominium |
|------------|------------|------------|-----------------|-------------|
| Initially | | | | <u>228</u> |
| Ultimately | | | | <u>228</u> |
- i. Dimensions (in feet) of largest proposed structure: 35 height; 68 width; 305 length.
- j. Linear feet of frontage along a public thoroughfare project will occupy is? 350 ft.

2. How much natural material (i.e. rock, earth, etc.) will be removed from the site? NA tons/cubic yards.

3. Will disturbed areas be reclaimed ☒ Yes ☐ No ☐ N/A

- a. If yes, for what intended purpose is the site being reclaimed?

Lawn and passive recreation

- b. Will topsoil be stockpiled for reclamation? ☒ Yes ☐ No
- c. Will upper subsoil be stockpiled for reclamation? ☒ Yes ☐ No

4. How many acres of vegetation (trees, shrubs, ground covers) will be removed from site? 5.0 acres.

5. Will any mature forest (over 100 years old) or other locally-important vegetation be removed by this project?

☐ Yes ☒ No

6. If single phase project: Anticipated period of construction: NA months, (including demolition)

7. If multi-phased:

a. Total number of phases anticipated 3 (number)

b. Anticipated date of commencement phase 1: Apr month 2005 year, (including demolition)

c. Approximate completion date of final phase: Dec month 2008 year.

d. Is phase 1 functionally dependent on subsequent phases? ☐ Yes ☒ No

8. Will blasting occur during construction? ☐ Yes ☒ No

9. Number of jobs generated: during construction 120; after project is complete

10. Number of jobs eliminated by this project 0.

11. Will project require relocation of any projects or facilities? ☐ Yes ☒ No

If yes, explain:

12. Is surface liquid waste disposal involved? ☐ Yes ☒ No

a. If yes, indicate type of waste (sewage, industrial, etc) and amount _____

b. Name of water body into which effluent will be discharged _____

13. Is subsurface liquid waste disposal involved? ☐ Yes ☒ No Type _____

14. Will surface area of an existing water body increase or decrease by proposal? ☐ Yes ☒ No

If yes, explain:

15. Is project or any portion of project located in a 100 year flood plain? ☐ Yes ☒ No

16. Will the project generate solid waste? ☒ Yes ☐ No

a. If yes, what is the amount per month? 150 tons

b. If yes, will an existing solid waste facility be used? ☒ Yes ☐ No

c. If yes, give name Cornwall Refuse District; location Cornwall NY

d. Will any wastes not go into a sewage disposal system or into a sanitary landfill? ☐ Yes ☒ No

e If yes, explain

17 Will the project involve the disposal of solid waste? ☐ Yes ☒ No

a. If yes, what is the anticipated rate of disposal? _____ tons/month.

b. If yes, what is the anticipated site life? _____ years.

18 Will project use herbicides or pesticides? ☐ Yes ☒ No

19 Will project routinely produce odors (more than one hour per day)? ☐ Yes ☒ No

20 Will project produce operating noise exceeding the local ambient noise levels? ☐ Yes ☒ No

21 Will project result in an increase in energy use? ☒ Yes ☐ No

If yes, indicate type(s)

Electric, natural gas

22 If water supply is from wells, indicate pumping capacity NA gallons/minute.

23 Total anticipated water usage per day 52 946 gallons/day.

24 Does project involve Local, State or Federal funding? ☐ Yes ☒ No

If yes, explain:

25. Approvals Required:

		Type	Submittal Date
City, <u>Town</u> , Village Board	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<u>Zoning Petition</u>	_____
		_____	_____
		_____	_____
City, <u>Town</u> , Village Planning Board	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<u>Site Plan</u>	_____
		_____	_____
		_____	_____
City, Town Zoning Board	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	_____	_____
		_____	_____
		_____	_____
City, County Health Department	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<u>Water Main Ext</u>	_____
		_____	_____
		_____	_____
Other Local Agencies	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	_____	_____
		_____	_____
		_____	_____
Other Regional Agencies	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	_____	_____
		_____	_____
		_____	_____
State Agencies	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<u>NYS DEC</u>	_____
		<u>Sewer Main Ext</u>	_____
		<u>NYS DOT - Entrance</u>	_____
Federal Agencies	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	_____	_____
		_____	_____
		_____	_____

C. Zoning and Planning Information

1. Does proposed action involve a planning or zoning decision? ☒ Yes ☐ No

If Yes, indicate decision required:

- | | | | |
|--|--|--|--------------------------------------|
| <input checked="" type="checkbox"/> Zoning amendment | <input type="checkbox"/> Zoning variance | <input type="checkbox"/> New/revision of master plan | <input type="checkbox"/> Subdivision |
| <input checked="" type="checkbox"/> Site plan | <input checked="" type="checkbox"/> Special use permit | <input type="checkbox"/> Resource management plan | <input type="checkbox"/> Other |

2. What is the zoning classification(s) of the site?

Highway Commercial - HC
Residential - R-3

3. What is the maximum potential development of the site if developed as permitted by the present zoning?

240 Units

4. What is the proposed zoning of the site?

Highway Commercial - HC
Residential - R-3

5. What is the maximum potential development of the site if developed as permitted by the proposed zoning?

240 Units

6. Is the proposed action consistent with the recommended uses in adopted local land use plans? ☒ Yes ☐ No

7. What are the predominant land use(s) and zoning classifications within a ¼ mile radius of proposed action?

HC - Highway Commercial
R-3 - Residential
PID - Planned Interchange Development

8. Is the proposed action compatible with adjoining/surrounding land uses within a ¼ mile? ☒ Yes ☐ No

9. If the proposed action is the subdivision of land, how many lots are proposed? NA

- a. What is the minimum lot size proposed? _____

10. Will proposed action require any authorization(s) for the formation of sewer or water districts? ☐ Yes ☒ No

11. Will the proposed action create a demand for any community provided services (recreation, education, police, fire protection)?

☒ Yes ☐ No

a. If yes, is existing capacity sufficient to handle projected demand? ☒ Yes ☐ No

12. Will the proposed action result in the generation of traffic significantly above present levels? ☐ Yes ☒ No

a. If yes, is the existing road network adequate to handle the additional traffic. ☐ Yes ☐ No

D. Informational Details

Attach any additional information as may be needed to clarify your project. If there are or may be any adverse impacts associated with your proposal, please discuss such impacts and the measures which you propose to mitigate or avoid them.

E. Verification

I certify that the information provided above is true to the best of my knowledge.

Applicant/Sponsor Name Dr. Morton Haber Date _____

Signature _____

Title _____

If the action is in the Coastal Area, and you are a state agency, complete the Coastal Assessment Form before proceeding with this assessment.



McGOEY, HAUSER and EDSALL
CONSULTING ENGINEERS P.C.

RICHARD D. McGOEY, P.E. (NY & PA)

WILLIAM J. HAUSER, P.E. (NY & NJ)

MARK J. EDSALL, P.E. (NY, NJ & PA)

JAMES M. FARR, P.E. (NY & PA)

□ Main Office

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Writer's E-mail Address:
mje@mhepc.com

TOWN OF NEW WINDSOR
PLANNING BOARD
REVIEW COMMENTS

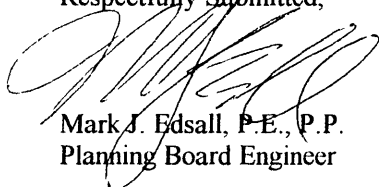
PROJECT NAME: CORNWALL COMMONS MAJOR SUBDIVISION
PROJECT LOCATION: NYS ROUTE 9W
SECTION 37 – BLOCK 1 – LOT 45.1
PROJECT NUMBER: 00-06
DATE: 27 AUGUST 2003
DESCRIPTION: THE APPLICATION PROPOSES THE SUBDIVISION OF THE 52.8+/- ACRE PARCEL INTO SIXTY-SIX (66) SINGLE-FAMILY RESIDENTIAL LOTS. THE APPLICATION WAS PREVIOUSLY REVIEWED AT THE 22 MARCH 2000, 24 APRIL 2002, 14 MAY 2003, 9 JULY 2003 AND 23 JULY 2003 PLANNING BOARD MEETINGS.

1. This application is part of an overall Cornwall Commons development, which spans the Town line into the Town of Cornwall. The Town of Cornwall Planning Board is also considering a subdivision application in their PIO zone for a subdivision. Both the Cornwall and New Windsor Planning Boards have adopted Findings and have concluded SEQRA.

The applicant has returned at this meeting seeking Preliminary approval such that they can proceed with the preparation of application packages to the various State and County agencies.

2. I have no objection to consideration of Preliminary approval, with the understanding that all agency approval packages are subject to Town review (as well as Town and Village of Cornwall, where applicable), and a coordination meeting with New Windsor's highway superintendent to discuss stormwater system layouts, etc.
3. The applicant is reminded that final plans will require all metes and bounds, seal/signature of a licensed surveyor, and final verification of zoning compliance of all lots. Also, the applicant is reminded of the need to petition for the creation of a drainage district in support of the common drainage facilities in New Windsor.

Respectfully Submitted,



Mark J. Edsall, P.E., P.P.
Planning Board Engineer

MJE/st
NW00-06-27Aug03.doc

**FIRE INSPECTOR'S
INTER-OFFICE CORRESPONDENCE**

TO: Town Planning Board
FROM: Frank Malloy, Asst. Fire Inspector
SUBJECT: Cornwall Commons
DATE: 10 September 2003

Planning Board Reference Number: PB-00-06
Date Received: 8-20-2003
Fire Prevention Reference Number: FPS-03-039

A review of the above referenced subdivision plans was conducted on 10 September 2003, with the following being noted:

- 1) Need: layout and dimension of cul-de-sac

The plans at this time are unacceptable.

Plans Dated: April 21, 2003


Frank Malloy
Asst. Fire Inspector

FM/dh

Cornwall Alliance for Responsible Development, CARD

22 Oak Street, Cornwall, New York 12518

Phone: 845-534-4884, FAX: 845-534-2445

DATE: July 5, 2003

TO: George Meyers, Town Supervisor, Town of New Windsor
555 Union Avenue, New Windsor, New York 12518

Re: CARD Cornwall Commons letters cc to Meyers and FYI

Enclosed Documents

1) General Documents:

Riverkeeper's notice of intent to sue Cornwall Commons, 7/2/030 (5 pages)

CARD Press Release, 6/27/03 (1 page)

CARD Op Ed, June 26, 2003 (1 page)

Orange Environment letter, Planning Board/Supervisor 6/15/03 (2 pages)

2) CARD letters with cc to Meyers:

NYSDOT, Dennison, 7/1 (2 pages)

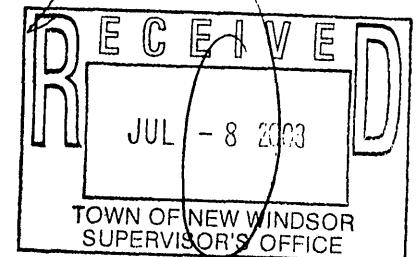
NYSDEC, Moran, 6/29 (2 pages)

Town of Cornwall Planning Board/Lead Agency, 6/27 (1 page)

NYSDEC, Moran, 6/20 (2 pages)

Town of Cornwall Supervisor, Sollami, 6/20 (2 pages)

Town of Cornwall Supervisor, Sollami, 6/18 (1 page)



*I'll be in
touch!
Moran*



July 2, 2003

Cornwall Commons, L.L.C.
P.O. Box 503
Highland Mills, NY 10930

Joseph Amato
Kent Management Corporation
600 Rt. 33
Highland Mill, NY 10930

Robert G. Torgersen
Landscape Architecture and Environmental Services
Three Main Drive
Nanuet, NY 10954

RE: Notice of Intent to Sue Cornwall Commons, L.L.C., Kent Management Corporation,
and Landscape Architecture and Environmental Services for Imminent Clean Water Act
Violations at a Planned Development Site Known as "Cornwall Commons," Located on
U.S. Route 9W in the Towns of Cornwall and New Windsor, NY.

Dear Sirs:

This letter constitutes Riverkeeper's NOTICE OF INTENT TO SUE the Cornwall Commons, L.L.C., Kent Management Corporation, and Landscape Architecture and Environmental Services (herein after "Cornwall Commons") for imminent violations of the federal Clean Water Act ("CWA"), 33 U.S.C. §1251 et seq.. The waterways in dispute exist on a 197.7 acre lot of delineated land owned by Cornwall Commons, located northwest of N.Y.S. Route 9W, in the vicinity of Route 218 ramps, extending to Frost Lane on the south, and adjoining the former O & W Railway line on the west, in the Towns of Cornwall and New Windsor, Orange County, New York. Specifically, this letter gives notice of our intent to seek redress for anticipated illegal dredging and filling of a federally regulated wetland and intermittent stream by the Cornwall Commons without a proper permit pursuant to 33 U.S.C. § 1344.

Riverkeeper protects and safeguards the ecological integrity of the Hudson River, its tributaries, and the New York City Drinking Water Supply. On behalf of our members, we routinely file citizen suits under the CWA to prevent and remediate environmental pollution problems. Many of our members and constituents live near and routinely recreate in and on the waters of the Moodna Creek watershed, which will be harmed by the proposed development.

Cornwall Commons' Proposed Development Will Violate the Clean Water Act.

The CWA prohibits the dredging and filling of navigable waterways except when pursuant to and in compliance with a permit. See 33 U.S.C. § 1311(a); 33 U.S.C. § 1342. The determination of non-navigability by the United States Army Corps of Engineers ("Corps") is subject to arbitrary and capricious review, based on the consideration of relevant factors or whether there has been a clear error of judgment. See Citizens to Preserve Overton Park, Inc. v. Volpe, 401 U.S. 402, 416 (1971); 5 U.S.C. § 706(2). The CWA defines "navigable waters" as "waters of the United States." See 33 U.S.C. § 1362(7). Waters of the United States include all rivers, lakes, ponds, streams, and other surface waters connected to traditionally navigable waterways. See United States v. Riverside Bayview Homes, Inc., 474 U.S. 121, 88 (1985). The Supreme Court has recognized Congress' intent under the Clean Water Act to protect waters that may not be traditionally navigable yet still maintain a surface water connection. See Id. at 133. In 2001, the Supreme Court refused to extend CWA jurisdiction to so called "isolated" wetlands (wetlands without a surface water connection to traditionally navigable waterways) whose sole basis for jurisdiction is the use by migratory birds. See Solid Waste Agency of Northern Cook County v. United States Army Corps of Engineers, 531 U.S. 159, 121 S.Ct. 675 (2001). The Act defines "pollutant" to include solid waste, dredged spoil, rock, and sand. 33 U.S.C. § 1362(6). "Point source" is defined as "any discernable, confined and discrete conveyance, including but not limited to any pipe, ditch, channel, tunnel, conduit, well, discrete fissure...from which pollutants are or may be discharged." 33 U.S.C. § 1362(14).

Cornwall Commons is proceeding with plans to develop over a federally protected wetland and stream without a CWA permit, violating 33 U.S.C. § 1344, 33 C.F.R. § 328 (2) and (3), 33 C.F.R. § 328(a)(7). The stream in question runs north-by-northeast from "Wetland E" and drains into Moodna Creek. Construction activities during development will likely resulting in the grading over, filling, dredging, and altering of the stream, and possibly of Wetland E, introducing into those waters dirt, sand, solid waste and other construction debris. The development site map shows several lots and roadways situated directly in the stream bed. Therefore, we hereby place Cornwall Commons on notice, pursuant to sections 505(a) and (b) of the CWA, 33 U.S.C. § 1365(a) and (b), for anticipatory violations of effluent standards and limitations as defined by CWA § 505 (f), 33 U.S.C. § 1365(f), by discharging pollutants into waters of the United States without a permit required under CWA section 301(a), 33 U.S.C. § 1311(a).

The Corps Erroneously Classified Wetland E as an "Isolated" Wetland.

Five freshwater wetland watersheds have been identified at the site of dispute. They are identified as Wetland A, C, D, E, and an unnamed smaller wetland on the northwest bank of the property line. Wetlands A, C, and D have been deemed by the Corps to be federally regulated. The regulatory status of Wetland E, however, was determined by the Corps on June 6, 2001 to be not within federal jurisdiction due to isolation (lack of surface water connection between a wetland and a navigable waterway). This determination was based on a visual survey of the site by a Corps investigator. The Corps' June 6, 2001 finding of non-jurisdiction for Wetland E contradicts their earlier survey observations, made on April 8, 1999, which noted a stream outflow exiting from Wetland E.

Hydroquest Documented Substantial Flows from Wetland E Through an Intermittent Stream and Into Moodna Creek.

A hydrological survey conducted by Hydroquest hydrologist Paul Rubin found an intermittent stream outflow from Wetland E (a seasonal wetland 2.5 acres in size) to the Moodna Creek (a navigable waterway), consistent with initial Corps findings on April 8, 1999. See Attachment A. Hydroquest conducted its survey on September 29, 2002, during the normal wet season. The documented total rainfall between September and November of 2002 for the state of New York, according to the National Oceanographic and Atmospheric Administration, was approximately 17.42 inches. See National Aeronautic and Atmospheric Administration, National Climate Data Center, *US Climate at a Glance*, available at http://climvis.ncdc.noaa.gov/cgi-bin/cag3/hr_display3.pl (last modified June 19, 2003). This is almost twice the documented 9.89 inches received from June through August of 2001, when the Corps conducted their June 6, 2001 survey. See National Aeronautic and Atmospheric Administration, National Climate Data Center, *US Climate at a Glance*, available at <http://www.ncdc.noaa.gov/oa/climate/research/cag3/Y8.html> (last modified June 19, 2003). Paul Rubin suggests that the timing of the visual survey on June 6, 2001, during a dry month of a drought year, is one reason why an intermittent stream was not visually noticeable to the Corps' inspectors. See Attachment A, at 3. This determination, therefore, may in fact be arbitrary and capricious, especially given the fact that the Corps admits observing a flow on April 8, 1999. Since Wetland E has a surface water connection to the Moodna Creek and the Hudson River, it is not the character of wetland excluded from jurisdiction pursuant to *Solid Waste Agency of Northern Cook County v. United States Army Corps of Engineers*, 531 U.S. 159, 121 S.Ct. 675 (2001).

According to the Hydroquest survey, only one outlet was observed at Wetland E, coinciding with a low drainage channel along a stone wall. See Attachment A, Fig. 1. Physical evidence of high outflow was discernable based on the presence of "washed, relatively leaf-free, channel, washed cobbles, stream aligned twigs and leaf stems, matted leaves, and small vegetal debris dams." See Attachment A, at 3. The width of the high flow channel (measured with a taut level line above the channel) measured to be 12.8 feet. When formerly full, the channel had a maximum depth of 0.74 feet with a water-filled cross-sectional area of 5.4 ft². Id. The cross sectional measurements of the channel depicted in Figure 1 is exaggerated (2X vertical exaggeration), but the relative dimensions of the channel are to scale. Id.

Hydroquest compared the outflow channel from Wetland C to the outflow channel from Wetland E and observed that the drainage basin of Wetland E is larger than Wetland C. Id. at 4. Since the physical setting and condition of both sites were virtually identical, and given that Wetland E's outflow channel is larger than that of Wetland C, Hydroquest suggested that the stream outflow from Wetland E must also be intermittent. Id. Hydroquest identified Wetland E's stream outflow as a defined tributary system (i.e. stream channel), meeting the criteria of waters of the United States under section 404 of the CWA. Id.

Relative to the site development map submitted by Cornwall Commons, this intermittent stream flows from the northern corner of Wetland E following northeasterly through the northern tip of the Town of Cornwall, into the proposed development that is to occur in the southern point of the Town of New Windsor, and ultimately into Moodna Creek. See Attachment A, Fig. 1. The flow

of this stream slightly parallels and is within a mile of Rt. 9W. As noted above, the proposed roadways and lots will directly impact the stream in several places.

Wetland E and its outfall stream are ecologically important. According to renowned ecological consultant J.G. Barbour, who conducted several surveys of the site in question, several "threatened species" of flora have been discovered in and around Wetland E. These include a prevalent population of weak stellation sedge and possibly also the threatened floral species of Emmons sedge, which have been observed in abundance throughout Wetlands C and D. Faunal populations of Jefferson salamander and Blue-spotted salamander, both "species of special concern" in the State of New York, have also been identified in and around Wetland E.

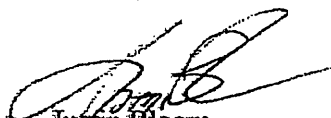
This Notice of Intent to Sue sufficiently states grounds for filing suit. Any acts by Cornwall Commons to dredge, fill, alter, or disturb Wetland E and its outfall stream without a permit will be in violation of 33 U.S.C. § 1344. As noted in 33 U.S.C. § 1319(d) and 40 C.F.R. § 19.4, violators are subject to a civil penalty not to exceed \$31,500 for each of such violation. At the close of the 60-day notice period, unless significant progress is made in remedying and preventing these violations, we intend to file a citizen suit against Cornwall Commons pursuant to 33 U.S.C. § 1365 (a) for violations of 33 U.S.C. § 1344 and all violations that occur after receipt of this notice letter. Pursuant to the CWA, we will seek penalties, attorney's fees and costs, as well as an injunction against environmental violations. During the 60-day CWA notice period, we would be willing to discuss effective remedies for the violations noted in this letter. If you wish to pursue such discussions in the absence of litigation, we suggest that you initiate those discussions within ten (10) days of receiving this notice so that a meeting can be arranged and settlement negotiations may be completed before the end of the notice period. At the close of the notice period, unless significant progress is made in remedying and preventing these violations, we intend to file a citizen suit against Cornwall Commons under CWA § 505(a), 33 U.S.C. § 1365 (a), and 33 U.S.C. § 1344.

If you wish to discuss these matters further, please do not hesitate to contact the undersigned at (845) 424-4149 x-230.

Very truly yours,



Basil Seggos
Investigator



Justin Bloom
Staff Attorney

Cc:

Christie Whitman, Administrator
United States Environmental Protection Agency
401 M Street, SW
Washington, D.C. 20460

John Ashcroft, Attorney General
United States Department of Justice
10th Street & Constitution Ave., NW
Washington, D.C. 20530

Janie M. Kenny, Regional Administrator
United States Environmental Protection Agency
Region II
290 Broadway
New York, NY 10007-1866

Erin M. Crotty, Commissioner
New York State Department of Environmental Conservation
625 Broadway
Albany, NY 12233-1011

Marc Moran, Regional Administrator
New York State Department of Environmental Conservation, Region 3
21 South Platt Corners Road
New Paltz, NY 12561-1696

Cornwall Alliance for Responsible Development, CARD

22 Oak Street, Cornwall, New York 12518 Phone: 845-534-4884 FAX: 845-534-2445

Army Corp Mishandles Wetland Classification: For Release, June 27, 2003

- In May of 2000, the Town of Cornwall Planning Board had been designated SEQRA Lead Agency for the Generic Environmental Review of a proposed Cornwall Commons development plan slated for a large forested parcel on the border of Cornwall and New Windsor—**143 acres of which are in the Town of Cornwall, the remaining 52 of which lie within the Town of New Windsor, near the Hudson River.**
- On January 9, 2001, the United States Supreme Court ruled on the Federal status of “isolated wetlands” in **Solid Waste Agency of North Cook County v. U.S. Army Corp of Engineers No. 99-1178.** The court ruled that isolated waters can no longer be classified as Waters of the United States as defined under section 404 of the Clean Water Act.
- A SEQRA public hearing on Cornwall Commons was held on October 7, 2002. In response to the **complex hydrology and wetlands present at the Cornwall Commons site, renowned hydrologist, Paul Rubin, was hired by Cornwall Alliance for Responsible Development (CARD) and Cornwall Citizens for Appropriate Development CCAD to do a study of the site and submit his report to the Planning Board Lead Agency.**
- **The hydrology report submitted by Rubin to both the Army Corp of Engineers and to the SEQRA Lead Agency documents the hydrological connection between a large and highly productive wetland known as Wetland “E,” and Moodna Creek, a tributary to the Hudson River. It also identified other key features and characteristics of the site’s hydrology and wetland systems.**
- Rubin’s documentation, dated October 9, 2002, of an **intermittent stream-flow connection between Wetland “E” and Moodna Creek was offered as a revision to a June 6, 2001 jurisdictional survey performed by the U.S. Army Corp of Engineers (USACOE).** In a letter dated, June 26, 2001, USACOE agent, Brian Orzel, states, “this wetland *appears* to be isolated” (emphasis added). Rubin’s documentation refutes Orzel’s statement.
- **An April 15, 2003 Findings Statement completely ignored Rubin’s hydrology report.** The record cites no further studies, surveys or responses to Rubin’s report. **A complete disregard for expert scientific documentation and conclusions flies in the face of SEQRA and Federal Law.**
- **CARD has contacted local, State and Federal officials requesting that no further approvals or actions be taken relative to Cornwall Commons until such time as the planning board’s and Army Corp’s mishandling of Rubin’s report is resolved.** As of this release, there has been no response to CARD’s numerous letters and inquiries to the Army Corp of Engineers and the Town of Cornwall Planning Board. **Orange Environment and other environmental organizations concur with CARD’s findings to date.**

Contact: Mauro Parisi, Chairman, CARD, 845-534-4884

Cornwall Alliance for Responsible Development, CARD

22 Oak Street, Cornwall, New York 12518

Tel.: 845-534-4884, Fax.: 845-534-2445

FOR OP ED SECTION

Holding the Environmental Line

June 26, 2003

Environmentalism in America needs to be seen against the backdrop of big business and big money. On the one hand, we have concerned citizens and organizations, along with a growing number of enlightened public officials; on the other hand, we have highly motivated development interests with formidable financial and political resources.

Americans are, for the most part, an environmentally conscious people. With the possible exception of right-wing die hards, and indifferent corporations, most Americans believe that environmental regulations and laws are necessary for protecting our environment and our natural resources.

What most people are not aware of is the fact that (with all of our regulations, environmental organizations, and individual activists) many sensitive resources continue to disappear on a daily basis. The problem lies not so much with existing laws and regulations (although, in some cases, this is also true), but at the implementation level.

It has been said that everything happens locally, i.e., in a village, a city, a township, a county. Many environmental decisions are made at the local level in town and village halls across the country. To illustrate the difficulty of holding the environmental line at the local level, let's look at the example of a developer who purchases a large tract of land in a Township (let's say a two-hundred-acre parcel) for the purpose of development. Now the developer makes it known to local officials that he or she would like to develop the site as a mega-mall, a senior housing project, an industrial park, or whatever.

Many towns and villages struggle with increasing property taxes, the need for more revenue, escalating education costs, a sagging economy, and more--not to mention, a shortage of qualified public servants, and a general over-reliance on less than impartial local consultants.

Big developers specialize in selling projects to 'Town Hall,' coming fully equipped with an arsenal of capital and resources that outstrips that of most small municipalities. Attorneys, advertising consultants, development consultants, and a variety of other "experts" are on call to support the developer's claims.

ORANGE ENVIRONMENT

P.O. BOX 25 • GOSHEN, NY 10924 • 914-294-5862

IMMEDIATE ATTENTION REQUESTED

June 15, 2003

Neil Novesky, Chair, and members of the Planning Board ✓ *for Neil Novesky*
CC: Jim Sollami, Supervisor and Trustees *cc Jim Sollami*
Town of Cornwall

re: Cornwall Commons

Dear Mr. Novesky and Planning Board Members:

It has come to our attention that the Cornwall Planning Board has offered preliminary approval for the above captioned project. We are writing to request that final approval be delayed pending the outcome of a review of a matter that has come to our attention.

There are several wetlands on the original parcel. Wetland E has been apparently omitted from consideration in the DGEIS/FGEIS despite the fact:

1. that it has been deemed of significant value in studies by both ecologist Spider Barbour of Hudsonia and hydrologist Paul Rubin. We note that the work of both of these experts create a substantive record that disputes the content and conclusion of the applicant's and USACOE treatment.
2. the fact that the USACOE apparently deemed Wetland E as isolated when our review indicates that it is no more isolated than the other wetlands on the property, is hydrologically connected to the Moodna system, and the Corps finding is in dispute and undergoing challenge,
3. The statement by developer's counsel Cappello that development of the parcel will impact drainage to this wetland, causing it to undergo ecological change. This acknowledged impact deserves attention even if the wetland were deemed non-jurisdictional.
4. The FGEIS is not responsive to concerns about impacts to wetland E.
5. Questions have been raised by residents of the Town as to how this wetland disappeared from consideration after it was shown on earlier maps, designated with a letter, and the fact that it exists and that it strikes visitors as a magnificent wetland area.

Given the expert dispute over the value of wetland E, and the acknowledged harm to this system from the proposed action, we believe that an administrative court should be convened in order to resolve this dispute. Clearly, if the dispute is resolved in favor of making Wetland E jurisdictional and/or assigning value to the system even if not jurisdictional, given that there is no dispute over the fact that the wetland E system will be harmed significantly by the action, the outcome of this dispute can be seen to raise the question of whether the subdivision and



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pg 1 of 2

development should be approved and if so what mitigations will be required. In sum, these questions trigger the need to convene an administrative court to resolve the issue. In addition to delaying issuance of a final approval for the project, we ask the Board to take steps to resolve the aforementioned dispute through an administrative court.

Finally, if for no other reason than the fact that the current impact review gives the appearance of covering up the existence and consideration for this wetland, the board should suspend action on this matter until the USACOE issue is resolved and until the dispute of facts is resolved by a trier of truth.

Sincerely,


Michael R. Edelstein, President



IMMEDIATE ATTENTION REQUESTED

Mauro Salvatore Parisi, Chairman
Cornwall Alliance for Responsible Development, CARD
22 Oak Street, Cornwall, New York 12518

July 1, 2003

Robert Dennison, Director, Region 8
State of New York Department of Transportation
4 Bennett Boulevard
Poughkeepsie, New York 12603

Re: NYS DOT Cornwall Commons, Rte. 9W requests/permits/approvals/plans

Dear Mr. Dennison:

We are writing to you regarding the status of the proposed Cornwall Commons project in the Towns of Cornwall and New Windsor adjacent to Route 9W. We hereby request that all NYS DOT actions, approvals, permits, applications, etc. be withheld until such time as issues relating the mishandling of the New York State SEQRA process relative to a Federal component of the proposed project is fully addressed and resolved (please list below).

As president of Cornwall Citizens for Appropriate Development (CCAD), I first made contact with you on the above-captioned matter, via fax letter dated June 16, 1999 which was responded to by Mrs. Jennifer P. Clark, NYS DOT Design Manager, in a letter dated June 24, 1999. Among other things, she acknowledged our request to be placed on your agency's mailing list for the subject project and confirmed this would be done.

At that time, we also contacted Gerry Wertz, Jr., Design Group, NYS DOT Region 8 in a letter dated June 16, 1999 regarding NYS DOT-related information on the proposed Cornwall Commons/Cornwall School District/Rte. 9W development plan. We received a response letter from him dated June 21, 1999. The letter was helpful in clarifying the NYS DOT's involvement at that time.

As both acting president of CCAD and as the Chairman of Cornwall Alliance for Responsible Development (CARD), I am writing you to inform you of the following circumstances surrounding the current Cornwall Commons proposal:

- 1) A SEQRA public hearing for a Cornwall Commons DGEIS was held on October 7, 2002.
- 2) CARD and CCAD presented extensive comments including scientific testimony on the nature and quality of important onsite wetlands. A hydrology report by Hydrologist Paul Rubin was presented to demonstrate that a large centrally located wetland, thought to be non-jurisdictional, should, in fact, be classified as jurisdictional.

(continued)

(Re: NYS DOT Cornwall Commons, Rte. 9W requests, etc., Dennison, July 1, 2003)

- 3) An FGEIS was accepted by the Town of Cornwall Planning Board acting as SEQRA Lead Agency on March 10, 2003.
- 4) A Findings Statement was approved on April 15th.
- 5) Rubin's duly submitted report was completely ignored—absolutely no response, comment or statement related to Rubin's documentation.
- 6) As of a May 20, 2003 Lanc and Tully revised Cornwall Commons site map the Wetland in question, Wetland "E" disappears from the map.
- 7) **On June 2nd the Town of Cornwall Planning Board granted preliminary approval to a five-lot subdivision of the Cornwall Commons Parcel—pending further approvals and input from the NYS DOT.**
- 8) Since these events, CARD has been contacting local, state, and federal officials pointing to the total disregard for important scientific information on a pivotal, nationally significant, environmental issue.
- 9) In numerous letters to public officials including a letter to Congresswoman Sue Kelly; several letters to NYS DEC Region 3 Director Marc Moran; numerous letters to the Town of Cornwall Planning Board and Town of Cornwall Supervisor Jim Sollami; and a letter to Town of New Windsor Supervisor George Meyers **CARD has requested that no further actions, approvals, or permits be granted until the matter of Wetland "E" and site hydrology are resolved.**

We, therefor, hereby request, especially in light of the above and in particular point number seven (7), that the NYS DOT take no further action with regard to actions, plans, proposals, approvals, applications, etc. related to Cornwall Commons until such time as the issues surrounding Wetland "E" and site hydrology are fully addressed and resolved.

For further information and/or documentation, please call 845-534-4884 or fax us at 845-534-2445.

Sincerely,



Mauro Parisi, Chairman, CARD

cc: Congresswoman Sue Kelly
Marc Moran, Region 3 Director, NYS DEC
* Neil Novesky, Chairman, Town of Cornwall Planning Board/ SEQRA Lead agency
Jim Sollami, Supervisor, Town of Cornwall
George Meyers, Supervisor, Town of New Windsor
Basil Seggos, Esq., Riverkeeper. Inc
Manna Jo Green, Environmental Director, Hudson River Sloop Clearwater
Michael Edelstein, President, Orange Environment, Inc.
Paul Rubin, Hydrologist
J.G. Barbour, P.C.

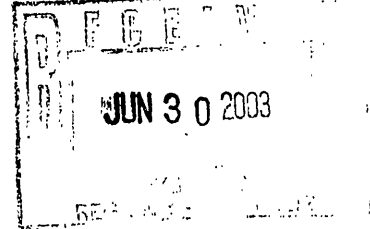
IMMEDIATE ATTENTION REQUESTED

Mauro Salvatore Parisi, Chairman
Cornwall Alliance for Responsible Development, CARD
22 Oak Street, Cornwall, New York 12518

June 29, 2003

Marc Moran, Regional Director
NYSDEC, Region 3
21 South Putt Corners Road
New Paltz, New York 12561

**HAND
DELIVERED**



Re: Cornwall Commons Wetlands, FGEIS & SEQRA: No Response

Dear Mr. Moran:

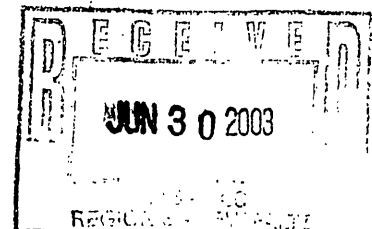
As you know, from recent letters, we have been paying very close attention to the handling of Wetland "E" and the site hydrology at Cornwall Commons. We have delivered, mailed and faxed numerous letters over the past several weeks. Unfortunately, we have yet to receive a single response to our important questions and concerns. For the record, here is a list of our communications to date ('SR' indicates 'stamped received'):

- **Three (3) letters to: Planning Board Chairman Neil Novesky** -- letter of June 6th (SR, June 6th); letter of June 16th (SR, June 17th); cc in heading of June 20th Sollami letter cited below (SR, June 23rd)
- **Five (5) letters to: Town of Cornwall Supervisor Jim Sollami** -- cc copy of June 6th Novesky letter cited above--submitted under separate cover (SR, June 6th); letter of June 13th (SR, June 16th)*; letter of June 16th (SR, June 17th); letter of June 18th (SR, June 18th); letter of June 20th (SR, June 23rd).

**As of this writing, the only "response" to any of these letters is a June 23rd letter acknowledging CARD's June 13th letter to Sollami cited above.*

- **One (1) letter to Town of New Windsor Supervisor George Meyers** -- letter of June 13th (SR, June 16th) *As of this writing, an acknowledgement letter, dated June 16th, has been received.*
- **One (1) letter to: USACOE Western Permits Director George Nieves** -- letter of June 10th (fax transmission report dated June 10th)
- **One (1) letter to: USACOE Agent Brian Orzel** -- letter of June 9th (fax transmission report dated June 9th)

(continued)



(Re: Cornwall Commons Wetlands, FGEIS & SEQRA: No Response, Moran, June 29, 2003)

Most of the above-listed letters have been forwarded to you as attachments.

In light of the seriousness of the issues being raised, and in light of the fact that the applicant/developer is in the process of submitting requests to the NYSDOT relative to site plans, road designs, and traffic safety, we would greatly appreciate a response from all involved parties on the issues of: Wetland "E," site hydrology, ACOE jurisdiction, Paul Rubin's hydrology report, and the lack of proper SEQRA review.

We fully expect that no action(s) will be taken on the part of any involved agency until such time as these matters have been fully resolved.

We look forward to your response.

Sincerely,



Mauro Parisi, Chairman, CARD

Attachment:

CARD letter to Town of Cornwall Planning Board Chairman Neil Novesky, Members of the Planning Board and SEQRA Lead Agency, dated June 27, 2003 (stamped 'received,' June 30, 2003) JC
6/30/03

cc: Neil Novesky, Chairman, Town of Cornwall Planning Board
Jim Sollami, Supervisor, Town of Cornwall
George Meyers, Supervisor, Town of New Windsor
Dr. William Schuster, Chairman, Town of Cornwall Conservation Advisory Council
Basil Seggos, Esq., Riverkeeper. Inc
Manna Jo Green, Environmental Director, Hudson River Sloop Clearwater
Michael Edelstein, President, Orange Environment, Inc.
Paul Rubin, Hydrologist
J.G. Barbour, P.C.

IMMEDIATE ATTENTION REQUESTED

Mauro Salvatore Parisi, Chairman, CARD
22 Oak Street, Cornwall, New York 12518

June 27, 2003

Town of Cornwall Planning Board Members
SEQRA Lead Agency for Cornwall Commons
183 Main Street, Cornwall, New York 12518

RECEIVED
JUN 30 2003

TOWN CLERK
TOWN OF CORNWALL

8:50 A.M.
of
from Mauro Parisi

Re: Cornwall Commons SEQRA & Wetland "E"--SEIS requested

Dear Chairman Novesky, Members of the Planning Board and SEQRA Lead Agency:

As Lead Agency for the Cornwall Commons Generic Environmental Impact Statement and SEQRA review process, and whereas:

- 1) your April 15, 2003 Findings Statement fails to either address or acknowledge the hydrology data submitted by Hydrologist Paul Rubin in connection with Wetland "E," and site hydrology
- 2) Rubin's information was essential in determining the significance of Wetland "E" and was made available on October 7, 2002 (oral and written testimony)--further confirmed on June 22, 2003
- 3) Rubin's information represented data beyond anything provided by the U.S. Army Corp of Engineers since Brian Orzel's site visit of June 26, 2001
- 4) Generic Environmental Impact Statements that require updating in the light of new information may be reopened by means of a Supplemental Environmental Impact Statement (SEIS) and the attendant review process
- 5) Lead Agencies have the authority to call for an SEIS

we strongly recommend that the issues surrounding Wetland "E" be addressed in the context of an SEIS. We look forward to your response.

Respectfully,



Mauro Parisi, Chairman, CARD

cc: Supervisor Jim Sollomi, Town of Cornwall
George Meyers, Supervisor, Town of New Windsor
Marc Moran, Regional Director, NYSDEC, Region 3
Dr. William Schuster, Chairman, Town of Cornwall Conservation Advisory Council
Basil Seggos, Esq., Riverkeeper, Inc
Manna Jo Greene, Environmental Director, Hudson River Sloop Clearwater, Inc.
Michael Edelstein, President, Orange Environment, Inc
Paul Rubin, Hydrologist
J.G. Barbour, P.C.

IMMEDIATE ATTENTION REQUESTED

Mauro Salvatore Parisi, Chairman CARD
22 Oak Street
Cornwall, New York 12518

June 20, 2003

Jim Sollami, Supervisor
cc: Planning Board Chairman, Neil Novesky
Town of Cornwall
183 Main Street
Cornwall, New York 12518

RECEIVED
JUN 22 2003
8:45 A.M.
TOWN CLERK
TOWN OF CORNWALL
of
from Mauro Parisi

Re: Cornwall Commons & Wetland 'E,' key concerns

Dear Mr. Sollami:

As mentioned in our recent letters to you, we have communicated with Town of New Windsor Supervisor George Meyers on the issues related to Wetland 'E' at the Cornwall Commons site and have met with the finest example of administrative cooperation from his office. (June 16 letter from Meyers attached.)

We have received no notification of the availability of minutes from either the Town Planning Board meeting of July 2, 2003 or the Town Board meeting of June 9, 2003.

To date, we have not received a response to any of our stamped "received" letters, since June 6, 2003, addressed to you and/or Planning Board Chairman Novesky. This is difficult to understand in light of the gravity of these matters. **Please see Paul Rubin's e-mail to USACOE, Brian Orzel, re: Wetland "E" Hydrology dated June 22, 2003 (attached).**

It is clear, from SEQRA Law, that a "hard look" at substantive environmental issues and data presented by government agencies and by the public is required. In the case of our Planning Board's SEQRA review of Cornwall Commons:

- 1) There is no proof of a SEQRA-responsive "hard look" or, for that matter, of any look at all at Paul Rubin's hydrology report in key documents including but not limited to the approved FGEIS and Findings Statement, and Town Planning Board minutes since October of 2002.
- 2) This procedural error culminates in a lack of response and consideration of the data presented in Rubin's report, especially, by the USACOE, since the report should have triggered a file review by the USACOC with a timely response.

(continued)

(Re: Cornwall Commons & Wetland 'E,' key concerns, CARD, June 20, 2003)

For these two reasons alone, we hereby request that the SEQRA process be reopened to include a "hard look" at Rubin's report regarding hydrology and Wetland 'E' at the Cornwall Commons site. (Also, see attached letter to Chairman Novesky, with a cc to you, from Michael Edelstein, President of Orange Environment, dated June 15, 2003.)

We will also be communicating directly with the NYSDEC on SEQRA.

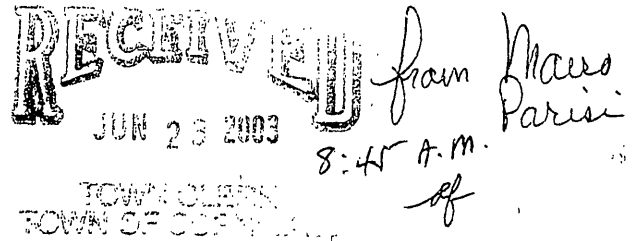
We look forward to a speedy response to both this letter, and the several we have sent you and Chairman Novesky over the past two weeks on the issue of Cornwall Commons, SEQRA, and Wetland "E."

Also, we hereby repeat our June 18th written request for a meeting with you and Chairman Novesky regarding our issues and concerns.

Respectfully,



Mauro Parisi, Chairman, CARD



Attachment:

Paul Rubin's e-mail to USACOE, Brian Orzel, re: Wetland "E" Hydrology, June 22, 2003 *of*
Town of New Windsor Supervisor Meyers' letter to CARD, June 16, 2003 *of*
Edelstein's Orange Environment letter to Novesky/Sollami, dated June 15, 2003 (2 Pages) *of*

cc: Marc Moran, Regional Director, NYSDEC, Region 3
Neil Novesky, Chairman, Town of Cornwall Planning Board
George Meyers, Supervisor, Town of New Windsor
Dr. William Schuster, Chairman, Town of Cornwall Conservation Advisory Council
Basil Seggos, Esq., Riverkeeper
Michael Edelstein, President, Orange Environment
Paul Ruben, hydrogeologist
J.G. Barbour, P.C.

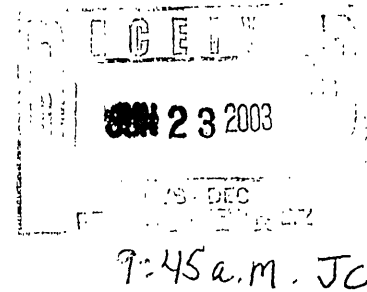
IMMEDIATE ATTENTION REQUESTED

Mauro Salvatore Parisi, Chairman
Cornwall Alliance for Responsible Development, CARD
22 Oak Street, Cornwall, New York 12518

June 20, 2003

Marc Moran, Regional Director
NYSDEC, Region 3
21 South Putt Corners Road
New Paltz, New York 12561

**HAND
DELIVERED**



Re: Cornwall Commons Wetlands, FGEIS & SEQRA Findings follow up

Dear Mr. Moran:

As you know from our June 16, 2003 letter addressed to you, we have been paying very close attention to the proposed Cornwall Commons development project and its related FGEIS and Findings Statement. The FGEIS was adopted by the Town of Cornwall Planning Board, as Lead Agency, on March 3, 2003 and the Findings Statement was approved on April 15.

Our research and investigations indicate that there is in fact a serious defect in the Cornwall Commons FGEIS and Findings Statement related to Paul Rubin's hydrology report of October 9, 2002. The Town of Cornwall Planning Board, as SEQRA Lead Agency, did nothing to address Rubin's report, and in the absence of any newly attached USACOE response (since the original September 25, 2001 letter addressing jurisdictional determination) they also, apparently, failed to forward it. It should be noted that Rubin himself also sent a copy of his report directly to the USACOE. **Please also see Rubin's June 22, 2003 e-mail message to USACOE agent, Brian Orzel, re: Wetland "E" Hydrology (attached).**

Observations and questions:

- 1) Because of the environmental importance of Rubin's documentation, even if the planning board had decided to defer to the ACOE's jurisdictional judgement, it was nevertheless their duty to forward Rubin's findings for the mere fact that his information represented new data collected fifteen months after Brian Orzel's documented site visit on June 6, 2001 to which said letter of September 25, 2001 refers.
- 2) If SEQRA was established to provide a "hard look" at substantive environmental issues, then in what way could it be argued that, in terms of Wetland "E" and general site hydrology, the planning board, as Lead Agency, fulfilled its SEQRA charge?
- 3) Had Rubin's report been handled in accordance with standard SEQRA procedure, the Lead Agency should have, at minimum, provided a rationale for not forwarding Rubin's report to the ACOE. This, however, did not occur.
- 4) We are at a loss to understand how a duly submitted scientific document could have been handled with such apparent disregard.

(continued)

(Re: Cornwall Commons Wetlands, FGEIS & SEQRA Findings follow up, CARD, June 20, 2003)

- 5) The importance of the environmental questions addressed by Rubin's report is indisputable in terms of characterization, impacts, and mitigation--going straight to the heart of SEQRA, its purposes, and its legislative intent.

We therefore, and hereby, formally request relief from the Lead Agency's irresponsible handling of important environmental information related to Wetland "E," and the hydrology of the Cornwall Commons site.

We ask that the SEQRA process be reopened to adequately address the issues of Wetland "E" and site hydrology with the benefit of a response from the ACOE.

If there is any way to further expedite a response to this SEQRA-related request, please contact us by phone at 845-534-4884 or by fax at 845-534-2445. We look forward to your responses.

Respectfully,

Mauro Parisi, Chairman, CARD

Attachments:

- ✓ Paul Rubin's e-mail to USACOE, Brian Orzel, re: Wetland "E" Hydrology, June 22, 2003
- ✓ Paul Rubin's Hydrology Report, October 9, 2002
- ✓ CARD's letter to Town of Cornwall, Sollami, June 20, 2003 (stamped "received")
- ✓ CARD's letter to Town of Cornwall, Sollami, June 18, 2003 (stamped "received")
- ✓ Town of New Windsor, Meyers letter to CARD, June 16, 2003
- ✓ CARD's letter to Town of Cornwall, Sollami, June 16, 2003 (stamped "received")
- ✓ CARD's letter to Chairman Novesky and Planning Board, June 16, 2003 (stamped "received")
- ✓ Orange Environment letter to Novesky and Planing Baord, June 16, 2003 (stamped "received")
- ✓ CARD's fax message to USACOE, George Neives, June 10, 2003 (w/ fax transmission report)
- ✓ CARD's fax message to USACOE, Brian Orzel, June 9, 2003 (w/ fax transmission report)

cc: Neil Novesky, Chairman, Town of Cornwall Planning Board
Jim Sollami, Supervisor, Town of Cornwall
George Meyers, Supervisor, Town of New Windsor
Dr. William Schuster, Chairman, Town of Cornwall Conservation Advisory Council
Basil Seggos, Esq., Riverkeeper. Inc
Michael Edelstein, President, Orange Environment, Inc.
Paul Rubin, Hydrologist
J.G. Barbour, P.C.

IMMEDIATE ATTENTION REQUESTED

Mauro Salvatore Parisi, Chairman
Cornwall Alliance for Responsible Development, CARD
22 Oak Street, Cornwall, New York 12518

June 18, 2003

Jim Sollami, Town Supervisor
Town of Cornwall
183 Main Street
Cornwall, New York 12518

RECEIVED
JUN 18 2003

TOWN SUPERVISOR

Re: meeting request, Cornwall Commons Wetlands, FGEIS & SEQRA

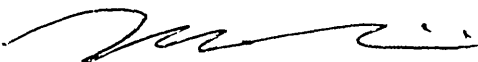
Dear Mr. Sollami:

We would like to meet with you and Planning Board Chairman Novesky regarding our recent letters and concerns related to the Cornwall Commons SEQRA process, the current status of the Cornwall Commons proposal in terms of approvals/requests/permits, etc., and our questions concerning the disposition of Wetland 'E.'

We believe that, by jointly focusing on these matters, we may be able to resolve some of the questions and issues in a more timely manner.

Your immediate attention is requested as time, as always, is of the essence.

Respectfully,



Mauro Parisi, Chairman, CARD

cc: George Meyers, Supervisor, New Windsor
Neil Novesky, Chairman, Town of Cornwall Planning Board
Marc Moran, Director, NYSDEC, Region 3
Dr. William Schuster, Chairman, Town of Cornwall Conservation Advisory Council
Basil Seggos, Esq., Riverkeeper. Inc
Michael Edelstein, Orange Environment, Inc.
Paul Rubin, Hydrologist
J.G. Barbour, P.C.

PLANNING BOARD
TOWN OF NEW WINDSOR

AS OF: 08/27/2003

PAGE: 1

LISTING OF PLANNING BOARD **AGENCY APPROVALS**

FOR PROJECT NUMBER: 0-6

NAME: CORNWALL COMMONS LLC - SUBDIVISION
APPLICANT: CORNWALL COMMONS, LLC

	DATE-SENT	AGENCY-----	DATE-RECD	RESPONSE-----
REV3	08/21/2003	MUNICIPAL HIGHWAY . THIS PLAN IS UNDER REVIEW BUT . GIVEN	08/26/2003	UNDER REVIEW PRELIMINARY APPROVAL HAS BEEN
REV3	08/21/2003	MUNICIPAL WATER	/ /	
REV3	08/21/2003	MUNICIPAL SEWER	/ /	
REV3	08/21/2003	MUNICIPAL FIRE	/ /	
REV3	08/21/2003	NYS DOT	/ /	
REV1	04/28/2003	MUNICIPAL HIGHWAY . FROM THE NORTH ENTRANCE ALL THE WAY THROUGH THE FIRST . INTERSECTION MUST BE A TOWN OF NEW WINDSOR ROAD SO THAT THIS . DEPARTMENT HAS ACCESS TO OUR ROADS.	05/14/2003	DISAPPROVED
REV1	04/28/2003	MUNICIPAL WATER	04/28/2003	APPROVED
REV1	04/28/2003	MUNICIPAL SEWER	06/30/0303	SUPERSEDED BY REV2
REV1	04/28/2003	MUNICIPAL FIRE	04/28/2003	DISAPPROVED
REV1	04/28/2003	NYS DOT	06/30/0303	SUPERSEDED BY REV2
ORIG	03/16/2000	MUNICIPAL HIGHWAY . NEED ANOTHER ENTRANCE	03/28/2000	DISAPPROVED
ORIG	03/16/2000	MUNICIPAL WATER	04/28/2003	SUPERSEDED BY REV1
ORIG	03/16/2000	MUNICIPAL SEWER	04/28/2003	SUPERSEDED BY REV1
ORIG	03/16/2000	MUNICIPAL FIRE . I APPROVE OF THE CONCEPTUAL CONCEPT OF THE PROJECT, HOWEVER, . I BELIEVE THERE SHOULD BE A SECONDARY ROADWAY FOR ACCESS TO . THE R-3 HOMES IN NEW WINDSOR. THIS COULD BE ACHIEVED OFF . THE CUL-DE-SAC OR ANOTHER LOCATION IN THAT AREA	03/21/2000	DISAPPROVED
ORIG	03/16/2000	NYS DOT	04/28/2003	SUPERSEDED BY REV1
REV2	06/30/0303	MUNICIPAL HIGHWAY . PLAN UNCLEAR - MUST BE REDONE - ROAD DETAILS MUST BE	07/09/2003	DISAPPROVED

PLANNING BOARD
TOWN OF NEW WINDSOR

AS OF: 08/27/2003

PAGE: 2

LISTING OF PLANNING BOARD **AGENCY APPROVALS**

FOR PROJECT NUMBER: 0-6

NAME: CORNWALL COMMONS LLC - SUBDIVISION
APPLICANT: CORNWALL COMMONS, LLC

	DATE-SENT	AGENCY----- . SUPPLIED	DATE-RECD	RESPONSE-----
REV2	06/30/0303	MUNICIPAL WATER	08/21/2003	SUPERSEDED BY REV3
REV2	06/30/0303	MUNICIPAL SEWER	07/01/2003	APPROVED
REV2	06/30/0303	MUNICIPAL FIRE . HYDRANTS MUST BE SPACED NO MORE THAN 500 FEET APART	07/07/2003	APPROVED
REV2	06/30/0303	NYS DOT	08/21/2003	SUPERSEDED BY REV3

PLANNING BOARD
TOWN OF NEW WINDSOR

AS OF: 08/27/2003

PAGE: 1

LISTING OF PLANNING BOARD ACTIONS

STAGE:

STATUS [Open, Withd]
O [Disap, Appr]

FOR PROJECT NUMBER: 0-6

NAME: CORNWALL COMMONS LLC - SUBDIVISION
APPLICANT: CORNWALL COMMONS, LLC

--DATE--	MEETING-PURPOSE-----	ACTION-TAKEN-----
07/23/2003	P.B. APPEARANCE . ADOPTED SEQRA FINDINGS STATEMENT	ADOPT SEQRA FINDINGS
07/09/2003	P.B. APPEARANCE - PUB HEARIN . DISCUSS ROADS WITH MARK & HENRY KROLL - NO PUBLIC COMMENT - . ANDY KRIEGER, MARK & APPLICANT TO DISCUSS ADOPTING FINDINGS . - POSSIBLY ON NEXT AGENDA	CLOSED PH -RETURN
05/14/2003	P.B. APPEARANCE	SCHED PH
04/24/2002	P.B. APPEARANCE	ACCEPT DGEIS
03/22/2000	P.B. APPEARANCE . REQUESTED AT LEAST AN	DISCUSSED PROJECT EMERGENCY ACCESS TO COMMERCIAL AREA
03/08/2000	P.B. APPEARANCE - DISCUSSION	SUBMIT APPLIC

PLANNING BOARD
TOWN OF NEW WINDSOR

AS OF: 08/27/2003

PAGE: 1

LISTING OF PLANNING BOARD SEQRA ACTIONS

FOR PROJECT NUMBER: 0-6

NAME: CORNWALL COMMONS LLC - SUBDIVISION

APPLICANT: CORNWALL COMMONS, LLC

	DATE-SENT	ACTION-----	DATE-RECD	RESPONSE-----
ORIG	03/16/2000	EAF SUBMITTED	03/16/2000	WITH APPLIC
ORIG	03/16/2000	CIRCULATE TO INVOLVED AGENCIES	/ /	
ORIG	03/16/2000	LEAD AGENCY DECLARED	/ /	
ORIG	03/16/2000	DECLARATION (POS/NEG)	/ /	
ORIG	03/16/2000	SCHEDULE PUBLIC HEARING	05/14/2003	SCHED PH
ORIG	03/16/2000	PUBLIC HEARING HELD	07/09/2003	CLOSED PH
ORIG	03/16/2000	WAIVE PUBLIC HEARING	/ /	
ORIG	03/16/2000	AGRICULTURAL NOTICES	/ /	



McGOEY, HAUSER and EDSALL
CONSULTING ENGINEERS P.C.

RICHARD D. McGOEY, P.E. (NY & PA)
WILLIAM J. HAUSER, P.E. (NY & NJ)
MARK J. EDSALL, P.E. (NY, NJ & PA)
JAMES M. FARR, P.E. (NY & PA)

|| Main Office
33 Airport Center Drive
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e-mail: mheny@mhepc.com

|| Regional Office
507 Broad Street
Milford, Pennsylvania 18337
(570) 296-2765
e-mail: mhepa@mhepc.com

Writer's E-mail Address:
mje@mhepc.com

TOWN OF NEW WINDSOR
PLANNING BOARD
REVIEW COMMENTS


PROJECT NAME: CORNWALL COMMONS MAJOR SUBDIVISION
PROJECT LOCATION: NYS ROUTE 9W
SECTION 37 – BLOCK 1 – LOT 45.1
PROJECT NUMBER: 00-06
DATE: 23 JULY 2003
DESCRIPTION: THE APPLICATION PROPOSES THE SUBDIVISION OF THE 52.8+/- ACRE PARCEL INTO SIXTY-SIX (66) SINGLE-FAMILY RESIDENTIAL LOTS. THE APPLICATION WAS PREVIOUSLY REVIEWED AT THE 22 MARCH 2000, 24 APRIL 2002, 14 MAY 2003 AND 9 JULY 2003 PLANNING BOARD MEETINGS.

1. This application is part of an overall Cornwall Commons development, which spans the Town line into the Town of Cornwall. The Town of Cornwall Planning Board is also considering a subdivision application in their PIO zone for a subdivision.

Previously, the Town of Cornwall Planning Board assumed the role of Lead Agency under SEQRA. The most recent action under SEQRA is the adoption (by the Cornwall board) of a Findings Statement relative to the GEIS, which includes an environmental evaluation of the development of the New Windsor lands.

2. The only issue before the Board at this meeting is a proposed resolution of findings in connection with the SEQRA process. Attached is a proposed resolution.

Respectfully Submitted,



Mark J. Edsall, P.E., P.P.
Planning Board Engineer



Town of New Windsor

555 Union Avenue
New Windsor, New York 12553
Telephone: (845) 563-4615
Fax: (845) 563-4693

OFFICE OF THE PLANNING BOARD

Notice of Adoption of and Lead Agency Written SEQR Findings Statement

Cornwall Commons Land Development

WHEREAS, in March 2000, Cornwall Commons, LLC, submitted an application for a 66-lot subdivision for a 52.8 +/- acre tract located in the Town of New Windsor located in the R-3, Residential Zoning District; and

WHEREAS, the parcel is located on New York State Route 9W just south of its intersection with Forge Hill Road designated on the Town of New Windsor tax map parcel as Section 37, Block 1, Lot 45.1, and parcel adjoins a ± 143.68 parcel in the Town of Cornwall designated on the Town of Cornwall tax map as Section 9, Block 1, Lot 25.2; and

WHEREAS, the Town of Cornwall Planning Board has granted preliminary approval for a five (5) lot commercial subdivision of the Cornwall portion of the project; and

WHEREAS, since the loop access road to be constructed will serve both the Cornwall and New Windsor projects and since the projects are owned by the same developer, the SEQR review conducted examined the cumulative impacts of both the commercial development of the Cornwall parcel and the residential development of the New Windsor parcel; and

WHEREAS, Town of New Windsor Planning Board consented to the Town of Cornwall Planning Board being the lead agency under SEQR for this cumulative SEQR review in February 2000; and

WHEREAS, the Town of New Windsor Planning Board as an involved agency fully and actively participated in the SEQRA proceedings which included issuance of a positive declaration, preparation of a draft environmental impact statement, conduct of a public hearing and public comment period, and preparation of a final environmental impact statement; and

WHEREAS, the Town of Cornwall Planning Board adopted lead agency written findings statement on April 15, 2002, setting forth in detail design guidelines and mitigation measures for the future development of the entire 198 acre parcel in a coordinated manner; and

WHEREAS, the Town of New Windsor Planning Board has reviewed said finding statement and intends to adopt, join in and incorporate said finding statement into this finding statement as if fully set forth herein.

NOW THEREFOR BE DETERMINED that Town of New Windsor Planning Board as an involved agency finds that all requirements of 6 NYCRR 617 have been met and further joins with the Town of Cornwall Planning Board as lead agency by adopting and incorporating the lead agency written SEQR findings statement of said Board adopted on April 15, 2002, as if fully set forth herein; and

NOW THEREFORE BE IT FURTHER RESOLVED that the Town of New Windsor Planning Board make the following additional findings based upon the SEQRA reference for certain issues particularly affecting the Town of New Windsor:

I. Traffic.

- A. The northerly access road immediately adjoining the New Windsor parcel shall be owned and controlled by the Town of New Windsor to insure control by the Town of New Windsor of the maintenance including snow plowing of said road to serve said New Windsor residential subdivision. The procedure and mechanism for consummating such transfer of ownership shall be agreed to by the respective municipalities prior to the Town of New Windsor Planning Board granting final approval for the residential subdivision.
- B. Both access roads from 9W shall be included in any final subdivision plan approved by this Board and said loop road shall be bonded prior to filing any final subdivision map. Said loop roadway shall be constructed in its entirety (end to end) to a level of completion, as per established code or policy by the Town of New Windsor Building Department, prior to the issuance of any Certificates of Occupancies of any of the residential homes in New Windsor.
- C. So as to make available the necessary access to the New Windsor Subdivision, the improvements to the Rt. 218 intersection which will permit "U-turn" movements associated with access to the site must be constructed at the same time the on site loop road is constructed and completed, as well as any other related improvements deemed appropriate by the NYSDOT for adequate and safe access. It is the Board's opinion that appropriate signs should be requested on the State highway directing the motoring public of the new traffic movements available/required.

- II. Storm Water.** The project sponsor shall form a drainage district for the Town of New Windsor portion of the parcel to insure that drainage from the facilities serving the residential subdivision will be paid by the property owners within the Town of New Windsor subdivision.

BE IT FURTHER RESOLVED, that this notice of adoption of and written finding statement shall be filed in the Town of New Windsor Planning Board with the Town Clerk's office in accordance with 6 NYCRR 617.

On the motion of Sergio, seconded by Schlesinger, this notice of adoption and written findings statement was adopted on a vote of 4 ayes 0 nays.

CORNWALL COMMONS MAJOR SUBDIVISION (00-06)

MR. PETRO: Cornwall Commons major subdivision, SEQRA findings. Mark, you want to just walk us through this please?

MR. EDSALL: As the board has been discussing the Cornwall Commons project, you held and closed a public hearing and there were some issues that were discussed both at the last meeting and meetings previous as to this board's specific concerns with regard to the project which you wanted documented in your findings. Attached to my comments you'll see a notice and resolution that's meant to work in conjunction with the findings of the Town of Cornwall Planning Board but on page 2, it lists some of the specific concerns that this board had identified and I will just quickly go over those. The fact that number 1, the traffic is such that the northerly access to the project is the main access for the New Windsor subdivision and the Highway Superintendent and Town Supervisor felt that that road should be a New Windsor town road, thereby making it possible for the Town to have the full ability to provide maintenance and snow removal up to the New Windsor lots. That's list as item 1A. 1B, is a comment, effectively it says that because of the traffic circulation, this board feels it's necessary that the loop road be constructed in its entirety before the buildings on the New Windsor side, the residences receive Certificates of Occupancy. So that would require both Cornwall and New Windsor roads to be completed. 1C is noting that for part of the traffic movements to access the site, it's necessary that the improvements at the 218 interchange which allows a U-turn movement at that, it's not a cloverleaf, but at that intersection, that that must be completed. That was discussed with Phil Greely here at the last meeting so that's included as item 1C. And comment 2 II just an acknowledgement that the Town of New Windsor has a requirement that a storm water drainage district must be formed to cover those improvements that require maintenance and that district would include all those

properties within the Town of New Windsor that are benefited by the storm water improvements. Those are the only additions beyond the conclusions reached with the Town of Cornwall Planning Board that this board participated in. So it's my recommendation that the board adopt this resolution and findings statement.

MR. PETRO: Okay, any comment from any of the members?

MR. ARGENIO: I think we discussed all three of those issues at length at the last meeting, if my memory serves me.

MR. EDSALL: One or two of them I had already and you folks had me add the additional items.

MR. ARGENIO: I recall that as well. I don't have anything.

MR. MASON: So they're not going to be putting in the stop light or the turn signal, Mark?

MR. EDSALL: They eventually are looking to have for the southerly access to Route 9W a full movement intersection and there's an effort being made to have that intersection meet warrants or find a way but obviously, we don't have the ability to make that determination as DOT.

MR. PETRO: Accept a motion to accept the resolution of findings which is attached here.

MR. ARGENIO: I'll make that motion.

MR. SCHLESINGER: Second it.

MR. PETRO: For the Cornwall Commons major subdivision, motion has been made and seconded that the New Windsor Planning Board accept the proposed resolution and findings in connection with the SEQRA process for the Cornwall Commons Land Development and major subdivision on New York State Route 9W. Any further comment from

July 23, 2003

6

any of the members? If not, roll call.

ROLL CALL

MR. MASON	AYE
MR. SCHLESINGER	AYE
MR. ARGENIO	AYE
MR. PETRO	AYE



RESULTS OF P.B. MEETING OF: July 23, 2003

PROJECT: Cornwall Commons P.B. # 00-06

LEAD AGENCY:

AUTHORIZE COORD. LETTER: Y_____N_____

TAKE LEAD AGENCY: Y N

M)____S)____VOTE: A____N____

CARRIED: Y N

NEGATIVE DEC:

M) _____ S) _____ VOTE: A _____ N _____

CARRIED: Y_____N_____

PUBLIC HEARING: **WAIVED:** **CLOSED:**

M) _____ S) _____ VOTE: A _____ N _____ SCHEDULE P.H.: Y _____ N _____

SEND TO O.C. PLANNING: Y

SEND TO DEPT. OF TRANSPORTATION: Y

REFER TO Z.B.A.: M)____S)____ VOTE: A____N____

RETURN TO WORK SHOP: Y___ N___

APPROVAL:

M) S) VOTE: A N APPROVED:

NEED NEW PLANS: Y N

CONDITIONS – NOTES:

Adopt SEQRA Finding Statement

②	③	
A	S	4 Ayes
		0 Nays

PUBLIC HEARINGS:

CORNWALL COMMONS LLC (00-06)

John Cappello, Esq. appeared before the board for this proposal.

MR. PETRO: Application proposes subdivision of 52.8 acre parcel into 69 single residential single family lots. Application was reviewed at the 22 March, 2000 and 24 April, 2002 and 14 May, 2003 planning board meetings.

MR. CAPPELLO: John Cappello, I'm an attorney with Jacobowitz & Gubits, I'm here with Lorraine Potter from Lanc & Tully and Phil Greely from John Collins Engineering to present the preliminary subdivision plan for the Cornwall Commons New Windsor development consisting of 66 single family dwelling unit lots. The property is located on Route 9W just south of the intersection with Forge Hill Road. We have been before this board for, and the Town of Cornwall Planning Board for probably about two years now. I'm going to go through the SEQRA process, the project also consists of five commercial lots in the Town of Cornwall. It will have two access points off New York State Route 9W, the access points have been submitted to the New York State DOT and reviewed and preliminarily approved for concept for the location. Procedurally, as I said, the Town of Cornwall Planning Board since the larger portion of the property over 140 acres is located in the Town of Cornwall was lead agency on this matter and conducted a full SEQRA review, it was a Generic Environmental Impact Statement that examined all the potential developments of the five lots for commercial and various types of uses permitted in the Town of Cornwall and also some potential possible zoning amendments and also then examined the residential development in the Town of New Windsor together with a couple other alternatives, PAC zoning and senior citizen development in New Windsor. The public hearing was conducted by the Town of Cornwall on the DEIS, it was circulated to

all the involved agencies, including the Town of New Windsor Planning Board and Town Board, the public hearing was held, we received all the comments from the involved agencies, prepared a Final Environmental Impact Statement that was accepted back in March of 2003, that concluded then all the documentation that the involved agencies would use to adopt each agency's own finding. The Town of Cornwall Planning Board adopted their findings on April 15, 2003 and Monday night granted preliminary approval for the 5 lot commercial subdivision. So where we are now then is to review the actual design of the 66 lots in the Town of New Windsor and the Town of New Windsor Planning Board has a few choices on how you want to proceed on SEQRA. We have the record of the EIS which is what the information we have all agreed you'd base your decision on and you can join in and adopt the Town of Cornwall.

MR. PETRO: Why don't I let Mark and Andy get together on that, we're not going to sit there and figure this out. When did you get this plan over to the Highway Department in New Windsor?

MR. CAPPELLO: We've been meeting at the work sessions with the Fire Department, Building Department, I don't know particularly the Highway Department has been submitted specifically to the--

MR. PETRO: Because I noticed he wanted the road dedicated to the Town of New Windsor which I see you have done on this plan but his comments here say that he's got a disapproval, now I'm wondering maybe he didn't see the plan because it certainly doesn't look like he did.

MS. MASON: He did.

MR. PETRO: What's unclear about it?

MR. EDSALL: I think in speaking with Henry he had two open issues, one was drainage, he needed some plans that he had a little clearer understanding but the

dedication he knows the plan shows it but I'm not quite sure if the mechanism has been straightened out.

MR. CAPPELLO: We have to go to the DOT, we have Phil Greely, a traffic engineer to explain any questions you have regarding the details but this is another one, there's several different ways you can skin the cat. We can dedicate the land that's in the Town of Cornwall, there can be an agreement between the municipalities regardless of who owns it because it's on the boundary, there will have to be some type of agreement as to maintenance or between preliminary and final once we know that both municipalities have agreed on the design and location and we know we have to go to the DEC, to Health Department and all the various other involved agencies for approval, we could actually pursue and annexation to annex this portion into the Town of New Windsor.

MR. PETRO: You know what, again, straighten out with Mr. Kroll, Mark and Andy how you do it, I don't care as long as you get to that point.

MR. CAPPELLO: Just so you know that's where we, we have shown it going to New Windsor and ask to handle the specifics of it between preliminary and final because we have time and we did know then that the board's have reviewed and approved the locations and the layout then as with the 800 other different things we'll have to do between preliminary and final we'd accomplish that to everybody's satisfaction.

MR. PETRO: Let me hold you up there. This is a public hearing. On the 25th day of June, 2003, eight addressed envelopes with a notice of public hearing were mailed out. If someone is here to speak for or against this application, just make a comment, be recognized by the Chair, come forward, state your name and address. Anyone here who'd like to speak? Let the minutes show there's nobody here who wants to speak so I'll entertain a motion to close the public hearing.

MR. ARGENIO: So moved.

MR. LANDER: Second it.

MR. PETRO: Motion has been made and seconded that the New Windsor Planning Board close the public hearing for the Cornwall Commons major subdivision on New York State Route 9W.

ROLL CALL

MR. LANDER	AYE
MR. MASON	AYE
MR. ARGENIO	AYE
MR. KARNAVEZOS	AYE
MR. PETRO	AYE

MR. PETRO: At this time, I reopen it up to the board for further comment. Mark, you want to just go over this quickly? I mean, there's not much for us to look at, I think.

MR. EDSALL: No, I think at this point the next step would be for the board to close out our end of SEQRA which would be for the, this board to adopt findings and we should work between this meeting and the next meeting with Andy and the applicant to have that available for your action next meeting.

MR. PETRO: A lot of the findings would overlap.

MR. EDSALL: Well, every agency has to adopt their own findings, we can merely in effect concur with their findings. So we should get prepared to do that. I guess the other issue which I'd really like to hear about tonight since it was a concern that we had and I know Cornwall had raised was if the residential subdivision goes forward prior to any other development, how is the access to the site going to be handled because the roadway access is the southbound 9W lanes where there's no curb cut in the center median. I think that's why Phil is here tonight to update us on

where the DOT is going to require improvements so that there's adequate access to the site and we don't end up having people making U-turns on 9W either at the bottom of Moodna or other locations. So maybe we could get an update on that.

MR. GREELY: I'm Phil Greely from John Collins Engineers. We had prepared the traffic studies, actually looked at a couple of different access scenarios. We met with the DOT early in the process, probably three years ago, to look at various schemes of access to the property. At that time, when the Department of Transportation was evaluating various improvement projects along 9W, we had to have different scenarios because it wasn't clear which way things were going to go. The simplest plan dealt with a single access point to the residential property that would be constructed as a right turn in right turn out driveway and the DOT because of the grade and other considerations here did not want a median break on 9W to allow left turns out. What that meant is in order to get people that are destined back to the north or coming from the south to the site, we had to look at a couple of options. One option was, and this was in conjunction with DOT which would require the widening improvements at Forge Hill at the signal would allow a U-turn scenario at that location. However, because of the way that plan has developed and the things aren't on the pace that we need to work with, we had looked at another scenario which DOT was pretty comfortable with and that enabled us to have this access, you would have to build the road to connect out to 9W on the other side of the interchange. And the way that it would actually function is if I was coming from the south and I wanted to get to the subdivision, we would actually come through the 218 interchange in the area where and in fact out there today you'll see there's an area where there's not pavement but the cars drive through there is about the location where an actual intersection would be built and that's consistent with some of the plans that DOT was looking at at the interchange, in fact, one of the scenarios for this

area was to develop like more of a T intersection, one was to build a small rotary area so what would happen is you'd approach from the south and you would loop like this to get into the project so there'd be no left turns, there would be a signing package associated with that to direct drivers to that access when traffic left the site, if you're going south on 9W, it's just an easy right turn out onto 9W and of course coming from the north an easy right turn in. But if you were, wanted to head back north on 9W, you would have to leave here, come down through the interchange area and back onto 9W northbound. So it would use the 218 interchange with some improvements that would be consistent with the Department's concept there and it would not require any turns crossing 9W which is what their primary control was. In the development of the commercial property, one other scenario which was looked at was a full access on 9W, the DOT felt that if a commercial subdivision was in here that they would consider a median break at that intersection because sight distance was okay and would probably warrant enough traffic to have a signal but again that was tied into the larger project. At this time where we are with the DOT is we have submitted both plans to them partly because they're still not sure what they're going to do with 9W, we're waiting for their answer which scenario, we can live with either scenario, the initial reaction has been that they would like no median break on 9W, they would like a signing and an improvement at the 218 interchange that would accommodate access to the property at least for the residential component and that they would look at depending on what comes in on the commercial piece. That's the current plan. The alternate plan again goes back to make more significant improvements that would have to be tied to a DOT project at Forge Hill.

MR. EDSALL: One question, let's say later on if the commercial goes in, if the warrants aren't met for the signal, did the DOT give any indication if they'd still permit the median break or are they unclear on that?

MR. GREELY: They really wanted the median break to be tied into a signal. For the median break, this whole section would have to be reconstructed because you have to build a left turn lane and at that point, the median isn't wide enough so you'd be widening the right-of-way to get that. But they really didn't want without a signal and a turn lane the median break to occur and, you know, depending on what goes in here when we get a better handle, they'd look at that, but they felt in the interim that this plan would work by improving the interchange area, get access to and from here and any other uses that it would be limited, let's say there's another, I think one other use here doesn't have a median break that would be able to benefit from that.

MR. ARGENIO: So it's safe to say the original question was how much do you construct before you do the residential subdivision and the answer I guess is the entire horseshoe?

MR. GREELY: You have to build a road.

MR. EDSALL: And the 218 improvement.

MR. ARGENIO: And the improvement at the intersection.

MR. GREELY: Correct, and the only way that that would change is if the Forge Hill intersection moved forward and we'd work with the DOT in designing it so that U-turns could be made at the intersection, that would only occur if you did the turn lane and widening. Right now, it doesn't appear that it would be in the timeframe we're looking at here.

MR. PETRO: Okay.

MR. EDSALL: That's fine and I think with the board's permission once the minutes are available, I'll forward a copy of this discussion to Cornwall's Planning Board cause that was one of their concerns as well since it does require some of the Cornwall town road to be--

MR. PETRO: I think you should put in that that our opinion that the U-turns scenario I think should be out of the question.

MR. EDSALL: I'm very uncomfortable with it myself.

MR. CAPPELLO: Cornwall's approval of this preliminary plan, they did in their approval express their desire to have this signalized and a full interchange and they expressed acknowledgement that that's DOT's call but they would express their preference that it be signalized and that will be sent forward to the DOT while we're going through our process.

MR. PETRO: I realize this is late in the game but again, one of the lots on Forge Hill Road, take one of the lots out and tie into Forge Hill. Did you ever really look at that? Not in the back there where the topo's real bad but maybe up in the front area.

MR. EDSALL: I don't think the grades would work and you really don't have, you have properties in between, number of properties in between.

MR. BABCOCK: Down towards 9W that Canterbury Lane, Jim, little loop.

MR. PETRO: Okay, all right, Phil, thank you. I want to move along because we have 12 items, not that I want to cut anybody short, but I don't want to be here until 1 o'clock. Do you have anything else for this applicant?

MR. EDSALL: No. I would believe that the next two steps and it's the board's choice as to when we act on the two items would be a consideration for preliminary approval, number one, so they can move forward with their applications but prior to doing so, we need to I believe reach our findings so I think we should work with the applicants, look at getting it back on the agenda with the next meeting and take care of those two items.

MR. PETRO: Why don't you and Andy get together and just advise the board on the manner in which we're going to move forward. I would suggest that we, if Cornwall was, felt they were comfortable with them the way it was presented that we should maybe move in that same direction as long as you review and concur with that.

MR. EDSALL: We'll work with the applicant.

MR. PETRO: Do you have anything else for tonight?

MR. CAPPELLO: No, just when you're next work session is and we'll try to get on board.

MR. PETRO: I think the preliminary layout we're passed that point so basically now it's a matter of procedural. You explained DOT, I think we can move forward. Okay?

MR. CAPPELLO: Thank you very much.



McGOEY, HAUSER and EDSALL
CONSULTING ENGINEERS P.C.

RICHARD D. McGOEY, P.E. (NY & PA)
WILLIAM J. HAUSER, P.E. (NY & NJ)
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(570) 296-2765
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Writer's E-mail Address:

mje@mhepc.com

TOWN OF NEW WINDSOR
PLANNING BOARD
REVIEW COMMENTS

PROJECT NAME: CORNWALL COMMONS MAJOR SUBDIVISION
PROJECT LOCATION: NYS ROUTE 9W
SECTION 37 – BLOCK 1 – LOT 45.1
PROJECT NUMBER: 00-06
DATE: 9 JULY 2003
DESCRIPTION: THE APPLICATION PROPOSES THE SUBDIVISION OF THE 52.8+/- ACRE PARCEL INTO SIXTY-NINE (69) SINGLE-FAMILY RESIDENTIAL LOTS. THE APPLICATION WAS PREVIOUSLY REVIEWED AT THE 22 MARCH 2000, 24 APRIL 2002 AND 14 MAY 2003 PLANNING BOARD MEETINGS.

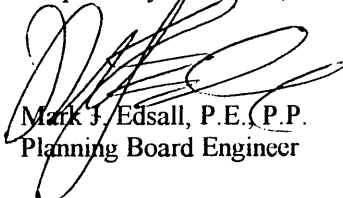
1. This application is part of an overall Cornwall Commons development, which spans the Town line into the Town of Cornwall. The Town of Cornwall Planning Board is also considering a subdivision application in their PIO zone for a subdivision.

Previously, the Town of Cornwall Planning Board assumed the role of Lead Agency under SEQRA. The most recent action under SEQRA is the adoption (by the Cornwall board) of a Findings Statement relative to the GEIS, which includes an environmental evaluation of the development of the New Windsor lands.

Following this Public Hearing, it is necessary (and appropriate) that this board (NWPB) adopt its findings at its earliest convenience. I suggest the Board authorize this writer and Andy Krieger to work with the applicants in this regard.

2. The only issues which I believe require further discussion (other than any items identified as part of the public hearing) are the Highway Superintendent's requirement that the northerly access road from 9W to the New Windsor subdivision be a New Windsor Town road, and a concern with regard to traffic access to the site from Rt. 9W from both the north and the south, and what requirements the DOT will require initially in this regard. I have previously asked that the applicant investigate this matter.

Respectfully Submitted,



Mark J. Edsall, P.E. (P.P.)
Planning Board Engineer

MJE/st
NW00-06-14May03.doc



Town of New Windsor

555 Union Avenue
New Windsor, New York 12553
Telephone: (845) 563-4615 Fax: (845) 563-4693
OFFICE OF THE PLANNING BOARD

WEDNESDAY, JULY 9, 2003 — 7:30 PM
TENTATIVE AGENDA

CALL TO ORDER & ROLL CALL

APPROVAL OF MINUTES DATED: MAY 28, 2003

ANNUAL MOBILE HOME PARK REVIEW:

- a. THOMPSON MOBILE HOME PARK – WALSH ROAD
- b. MT. AIRY MOBILE HOME PARK – RT. 207

PUBLIC HEARINGS:

- 1. CORNWALL COMMONS LLC (00-06) RT. 9W & FORGE HILL ROAD (LANC & TULLY) Proposed 60-lot residential subdivision.**

REGULAR ITEMS:

- 2. CLASSIC HOME BUILDERS SUBDIVISION & LOT LINE CHANGE (03-16) KINGS ROAD (LYTLE) Proposed 4-lot residential subdivision & lot line change.**
- 3. WOODLAWN MANOR SENIOR PROJECT (03-17) FOREST HILLS DR. (JAY SAMUELSON) Proposed 95-unit senior housing project.**
- 4. COVINGTON ESTATES (01-41) RT. 300 (NEW HORIZON) Proposed condominium units.**
- 5. PLYMPTON HOUSE (02-23) PLYMPTON STREET (BROWN) Proposed catering use for building formerly American Felt Offices.**
- 6. MANDIARACINA SUBDIVISION (03-18) TOLEMAN ROAD (BROWN) Proposed 2-lot residential subdivision.**
- 7. FIRST COLUMBIA (NEW YORK INTERNATIONAL PLAZA) 02-200 – RECEIVE FEIS.**
- 8. GALELLA SITE PLAN (03-06) RT. 9W (COPPOLA) Proposed office building.**
- 9. DR. PRABHU (03-19) RT. 9W (SHAW) Proposed addition to existing doctor's office.**

DISCUSSION

ADJOURNMENT

(NEXT MEETING – JULY 23, 2003)



Town of New Windsor

555 Union Avenue
New Windsor, New York 12553
Telephone: (845) 563-4615
Fax: (845) 563-4693

OFFICE OF THE PLANNING BOARD

Notice of Adoption of and Lead Agency Written SEQR Findings Statement

Cornwall Commons Land Development

WHEREAS, in March 2000, Cornwall Commons, LLC, submitted an application for a 66-lot subdivision for a 52.8 +/- acre tract located in the Town of New Windsor located in the R-3, Residential Zoning District; and

WHEREAS, the parcel is located on New York State Route 9W just south of its intersection with Forge Hill Road designated on the Town of New Windsor tax map parcel as Section 37, Block 1, Lot 45.1, and parcel adjoins a ± 143.68 parcel in the Town of Cornwall designated on the Town of Cornwall tax map as Section 9, Block 1, Lot 25.2; and

WHEREAS, the Town of Cornwall Planning Board has granted preliminary approval for a five (5) lot commercial subdivision of the Cornwall portion of the project; and

WHEREAS, since the loop access road to be constructed will serve both the Cornwall and New Windsor projects and since the projects are owned by the same developer, the SEQR review conducted examined the cumulative impacts of both the commercial development of the Cornwall parcel and the residential development of the New Windsor parcel; and

WHEREAS, Town of New Windsor Planning Board consented to the Town of Cornwall Planning Board being the lead agency under SEQR for this cumulative SEQR review in February 2000; and

WHEREAS, the Town of New Windsor Planning Board as an involved agency fully and actively participated in the SEQRA proceedings which included issuance of a positive declaration, preparation of a draft environmental impact statement, conduct of a public hearing and public comment period, and preparation of a final environmental impact statement; and

WHEREAS, the Town of Cornwall Planning Board adopted lead agency written findings statement on April 15, 2002, setting forth in detail design guidelines and mitigation measures for the future development of the entire 198 acre parcel in a coordinated manner; and

WHEREAS, the Town of New Windsor Planning Board has reviewed said finding statement and intends to adopt, join in and incorporate said finding statement into this finding statement as if fully set forth herein.

NOW THEREFOR BE IT DETERMINED that Town of New Windsor Planning Board as an involved agency finds that all requirements of 6 NYCRR 617 have been met and further joins with the Town of Cornwall Planning Board as lead agency by adopting and incorporating the lead agency written SEQR findings statement of said Board adopted on April 15, 2002, as if fully set forth herein; and

NOW THEREFORE BE IT FURTHER RESOLVED that the Town of New Windsor Planning Board make the following additional findings based upon the SEQRA reference for certain issues particularly affecting the Town of New Windsor:

I. Traffic.

- A. The northerly access road immediately adjoining the New Windsor parcel shall be owned and controlled by the Town of New Windsor to insure control by the Town of New Windsor of the maintenance including snow plowing of said road to serve said New Windsor residential subdivision. The procedure and mechanism for consummating such transfer of ownership shall be agreed to by the respective municipalities prior to the Town of New Windsor Planning Board granting final approval for the residential subdivision.
- B. Both access roads from 9W shall be included in any final subdivision plan approved by this Board and said loop road shall be bonded prior to filing any final subdivision map. Said loop roadway shall be constructed in its entirety (end to end) to a level of completion, as per established code or policy by the Town of New Windsor Building Department, prior to the issuance of any Certificates of Occupancies of any of the residential homes in New Windsor.
- C. So as to make available the necessary access to the New Windsor Subdivision, the improvements to the Rt. 218 intersection which will permit "U-turn" movements associated with access to the site must be constructed at the same time the on site loop road is constructed and completed, as well as any other related improvements deemed appropriate by the NYSDOT for adequate and safe access. It is the Board's opinion that appropriate signs should be requested on the State highway directing the motoring public of the new traffic movements available/required.

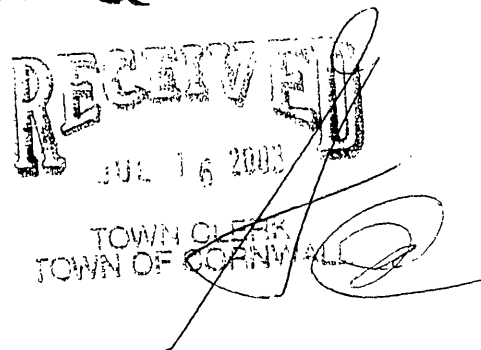
- II. Storm Water.** The project sponsor shall form a drainage district for the Town of New Windsor portion of the parcel to insure that drainage from the facilities serving the residential subdivision will be paid by the property owners within the Town of New Windsor subdivision.

BE IT FURTHER RESOLVED, that this notice of adoption of and written finding statement shall be filed in the Town of New Windsor Planning Board with the Town Clerk's office in accordance with 6 NYCRR 617.

On the motion of _____, seconded by _____, this notice of adoption and written findings statement was adopted on a vote of ___ ayes ___ nays.

IMMEDIATE ATTENTION REQUESTED

Mauro Parisi, Chairman
Cornwall Alliance for Responsible Development
22 Oak Street, Cornwall, NY 12518
July 16, 2003



Chairman Novesky and Planning Board Members
183 Main Street, Cornwall, NY 12518

Dear Chairman Novesky and Planning Board Members:

To date, we have yet to receive a response to our several letters of the past month. We have read the comments of Town Planner Leslie Dotson in the July 11, 2003 issue of the Cornwall Local. She points to the FGEIS and a discussion of the authority of the Army Corp of Engineers. For the record, this does not address the issue of the board's lack of comment in the Findings Statement on Rubin's hydrology report which represented information gathered a year-and-a-half after the ACOE's initial field visit. This issue, therefore, remains unresolved.

We would also like to draw your attention to our 1992 Master Plan—a document which supports decisions on site plans and development in our Town. Our 1992 Master Plan makes provisions for protecting important wildlife habitats under Part II, Section D, Number 4, "Natural Resources Element." Wetland "E" qualifies for protection under this provision. In several reports, James G. Barbour, makes it clear that Wetland "E" and other site wetlands are rare habitats and fine representatives of their type. The issue of jurisdictional status with regard to Wetland "E" and other onsite wetlands is irrelevant to Barbour's biological review.

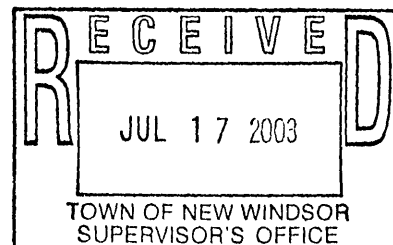
Your Findings Statement does not take into account the biological value of site wetlands and their upland surroundings. The authority for protection of the wetland area habitat is found in our Master Plan. Why was this authority not cited by your board?

The issue of buffer areas is discussed elsewhere in the Master Plan under wetlands and reference is made to a 50 to 100 foot buffer. If these wetlands are important as habitats then why wasn't the Master Plan's recommendation applied. If the habitat is important and the habitat is wetland based, then it follows that a 50 to 100 foot buffer is called for per our Master Plan.

Sincerely,

Mauro Parisi, Chairman, CARD

cc: Jim Sollami, Supervisor, Town of Cornwall
George Meyers, Supervisor, Town of New Windsor ✓ REC'd 7/17/03
Marc Moran, Region 3 Director, NYS DEC
Thomas DiNapoli, NYS Assemblyman Chairman, EnCon Committee
Basil Seggos, Esq., Riverkeeper, Inc.
Manna Jo Green, Director, Hudson River Sloop Clearwater
Michael Edelstien, President, Orange Environment, Inc.
Paul Rubin, Hydrologist
James G. Barbour, P.C.





McGOEY, HAUSER and EDSALL
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Writer's E-mail Address:

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PLANNING BOARD WORK SESSION
RECORD OF APPEARANCE

TOWN / VILLAGE OF: New Windsor **P/B APP. NO.:** 00-06

WORK SESSION DATE: 16 July 2003 **PROJECT:** NEW OLD X

REAPPEARANCE AT W/S REQUESTED: RESUB. REQ'D: new Prelim Plan

PROJECT NAME: Cornwall Common

REPRESENTATIVES PRESENT: John C. / Corrao

MUNICIPAL REPS PRESENT:

BLDG INSP.

ENGINEER

P/B CHMN

X

FIRE INSP.

PLANNER

OTHER

Frank M.

ITEMS DISCUSSED:

need findings resolution - John
will prepare draft.

- 8/18 get plans for 8/27
mtg

STND CHECKLIST:

DRAINAGE

DUMPSTER

SCREENING

LIGHTING

(Streetlights)

LANDSCAPING

BLACKTOP

ROADWAYS

APPROVAL BOX

PROJECT
TYPE

SITE PLAN

SPEC PERMIT

L L CHG.

SUBDIVISION

OTHER

PROJECT STATUS:

ZBA Referral: Y N

Ready For Meeting Y N

Recommended Mtg Date Findings 7/23



RESULTS OF P.B. MEETING OF: July 9, 2003

PROJECT: Cornwall Commons - Public Hearing P.B. # 00-06

LEAD AGENCY:

AUTHORIZE COORD. LETTER: Y_____N_____

TAKE LEAD AGENCY: Y N

NEGATIVE DEC:

M)____S)____VOTE: A____N____

CARRIED: Y N

M) _____ S) _____ VOTE: A _____ N _____

CARRIED: Y N

PUBLIC HEARING: **WAIVED:** **CLOSED:** ✓

M) A S) L VOTE: A 5 N 0 SCHEDULE P.H.: Y N

SEND TO O.C. PLANNING: Y

SEND TO DEPT. OF TRANSPORTATION: Y

REFER TO Z.B.A.: M) _____ S) _____ VOTE: A ☒ N ☐

RETURN TO WORK SHOP: Y N

APPROVAL:

M) S) VOTE: A N APPROVED:

NEED NEW PLANS: Y_____ N_____

CONDITIONS – NOTES:

Need to straighten the roads with Henry + Mark

No Public Comment

Need to adopt findings - Andy, Mark + Applicant

Possibly Next Agenda

**PLANNING BOARD: TOWN OF NEW WINDSOR
COUNTY OF ORANGE: STATE OF NEW YORK**

-----X

In the Matter of the Application for Subdivision for:

CORNWALL COMMONS P. B. #00-06

Applicant

**AFFIDAVIT OF
SERVICE
BY MAIL**

STATE OF NEW YORK)

) SS:

COUNTY OF ORANGE)

MYRA L. MASON, being duly sworn, deposes and says:

That I am not a party to the action, am over 18 years of age and reside at 67 Bethlehem Road, New Windsor, NY 12553.

That on the **25TH** day of JUNE, 2003, I compared the 8 addressed envelopes containing the Public Hearing Notice pertinent to this case with the certified list provided by the Assessor's Office regarding the above application for site plan/subdivision/special permit/lot line change approval and I find that the addresses are identical to the list received. I then placed the envelopes in a U.S. Depository within the Town of New Windsor.

Sworn to before me this

Myra L. Mason
Myra L. Mason, Secretary

25th day of June, 2003

[Signature]
Notary Public

JENNIFER MEAD
Notary Public, State Of New York
No. 01ME6050024
Qualified In Orange County
Commission Expires 10/30/ 2006



LEGAL NOTICE



NOTICE IS HEREBY GIVEN that the PLANNING BOARD of the TOWN OF NEW WINDSOR, County of Orange, State of New York will hold a PUBLIC HEARING at Town Hall, 555 Union Avenue, New Windsor, New York on **JULY 9TH, 2003** at 7:30 P.M. on the approval of the proposed Subdivision for **CORNWALL COMMONS LLC** Located at **RT. 9W & FORGE HILL ROAD** (Tax Map #Section **37**, Block **1**, Lot **45.1**) . Map of the proposed project is on file and may be inspected at the **Planning Board Office**, Town Hall, 555 Union Avenue, New Windsor, NY prior to the Public Hearing.

Date: JUNE 12, 2003

By Order of

TOWN OF NEW WINDSOR PLANNING BOARD

James R. Petro, Jr., Chairman



Town of New Windsor

555 Union Avenue
New Windsor, New York 12553
Telephone: (914) 563-4631
Fax: (914) 563-4693

Assessors Office

June 12, 2003

Cornwall Commons LLC
Joseph Amato, President
Woodbury Professional Building
Route 32
Highland Mills, NY 10930

Re: 37-1-45.1 PB#00-06

Dear Mr. Amato:

According to our records, the attached list of property owners are abutting and across the street to the above referenced property. Please be advised that the Town of Cornwall is also abutting to the above referenced parcel.

The charge for this service is \$25.00, minus your deposit of \$25.00.

There is no further balance due.

Sincerely

J. Todd Wiley *BAW*

J. Todd Wiley
Sole Assessor

JTW/baw

CC: Myra Mason, ZBA

37-1-44.2

Mid-Hudson II Hldg Co Inc.
P.O. Box 298
New Paltz, NY 12561

37-1-45.2

New York Military Academy
Academy Ave
Cornwall on Hudson, NY 12520

83-1-1.-32

Moodna Creek Dev.,LTD
Mr. Isac Landau, Sr II Inc.
Unit 2 of Millpond Condo
P.O. Box 322
Cornwall, NY 12518

George J. Meyers, Supervisor
Town of New Windsor
555 Union Ave
New Windsor, NY 12553

Deborah Green, Town Clerk
Town of New Windsor
555 Union Ave
New Windsor, NY 12553

Andrew Krieger, ESQ
219 Quassaick Ave
New Windsor, NY 12553

James Petro, Chairman
Planning Board
555 Union Ave
New Windsor, NY 12553

Mark J. Edsall, P.E.
McGoey and Hauser
Consulting Engineers, P.C.
33 Airport Center Drive, Suite 202
New Windsor, NY 12553

37-1-44.2
Mid-Hudson II Hldg Co Inc.
P.O. Box 298
New Paltz, NY 12561

37-1-45.2
New York Military Academy
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Consulting Engineers, P.C.
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New Windsor, NY 12553

8



Town of New Windsor

555 Union Avenue
New Windsor, New York 12553
Telephone: (845) 563-4631
Fax: (845) 563-4693

Assessor's Office

May 20, 2003

Cornwall Commons LLC
Joseph Amato, President
Woodbury Professional Building
Route 32
Highland Mills, NY 10930

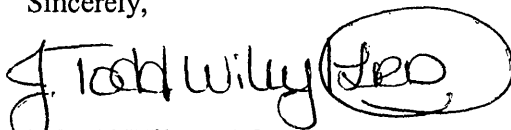
Dear Mr. Amato:

According to our records, the attached list of property owners are within five hundred (500) feet of the above referenced property.

The charge for this service is \$35.00, minus your deposit of \$25.00.

Please remit the balance of \$10.00 to the Town Clerk's Office.

Sincerely,


J. Todd Wiley, IAO
Sole Assessor

JTW/lrd
Attachments

CC: Myra Mason, ZBA

For Town of Cornwall P.H.

37-1-11
Frank Cowan
14 Sloop Hill Road
New Windsor, NY 12553

83-1-1.-32
Moodna Creek Development, LTD.
Attn: Mr. Issac Landau, SRII, Inc.
Unit 2 of Millpond Condominium
PO Box 322
Cornwall, NY 12518

37-1-12
Central Hudson Gas & Electric Corporation
284 South Avenue
Poughkeepsie, NY 12602

37-1-40.21 & 37-1-42.12
Cactus Resort Properties Inc.
C/o Finova Capital
115 West Century Road
Paramus, NJ 07652

37-1-42.11
Slumber Shops Inc.
PO Box 1853
Poughkeepsie, NY 12601

37-1-42.22
Ayda Argueta Hussain
169 Forge Hill Road
New Windsor, NY 12553

37-1-44.2
Mid Hudson II Holding Co. Inc.
PO Box 298
New Paltz, NY 12561

37-1-45.2
New York Military Academy
Academy Avenue
Cornwall on Hudson, NY 12520

37-1-47
Palisades Interstate Park Commission
Attn: Barbara Lynch
Administrative Building
Bear Mountain, NY 10911

50-1-3
Miriam Staples
C/o Elaine Spaulding
67 Forge Hill Road
New Windsor, NY 12553

50-1-28.1
Brenden & Renee Feenaghty
18 Canterbury Lane
New Windsor, NY 12553

TOWN OF NEW WINDSOR
REQUEST FOR NOTIFICATION LIST

DATE: JUNE 12, 2003 PROJECT NUMBER: ZBA# _____ P.B. # 00-06

APPLICANT NAME: CORNWALL COMMONS, LLC

PERSON TO NOTIFY TO PICK UP LIST:

LORRAINE (LANC & TULLY)

P.O. BOX 687

GOSHEN, NY 10924

TELEPHONE: 294-3700

TAX MAP NUMBER: SEC. 37 BLOCK 1 LOT 45.1
SEC. — BLOCK — LOT —
SEC. — BLOCK — LOT —

PROPERTY LOCATION: **RT. 9W & FORGE HILL ROAD**

THIS LIST IS BEING REQUESTED BY:

NEW WINDSOR PLANNING BOARD: XX

SITE PLAN OR SUBDIVISION: (ABUTTING AND ACROSS ANY STREET XX)

SPECIAL PERMIT ONLY: (ANYONE WITHIN 500 FEET)

AGRICULTURAL DISTRICT:
(ANYONE WITHIN THE AG DISTRICT WHICH IS WITHIN 500'
OF SITE PLAN OR SUBDIVISION PROJECT)

❖ ❖

NEW WINDSOR ZONING BOARD

LIST WILL CONSIST OF ALL PROPERTY WITHIN 500 FEET OF PROJECT

❖ ❖

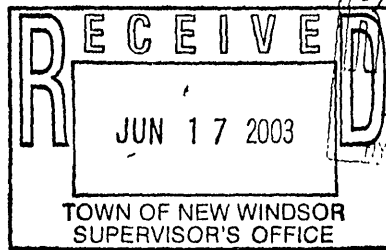
AMOUNT OF DEPOSIT: _____ CHECK NUMBER: _____

TOTAL CHARGES: _____

Mauro Salvatore Parisi, Chairman
Cornwall Alliance for Responsible Development, CARD
22 Oak Street, Cornwall, New York 12518

June 16, 2003

Marc Moran, Regional Director
NYSDEC, Region 3
21 South Putt Corners Road
New Paltz, New York 12561



Re: Cornwall Commons Wetlands, FGEIS & SEQRA Findings

Dear Mr. Moran:

We are writing to you in reference to the proposed Cornwall Commons development project and its related FGEIS and Findings Statement. The FGEIS was adopted by the Town of Cornwall Planning Board, as Lead Agency, on March 3, 2003 and the Findings Statement was approved on April 15.

As the NYSDEC is the receiving agency for all FGEIS and Findings Statement, we feel it is our duty to inform you of an apparent discrepancy in the Cornwall Commons FGEIS and Findings Statement involving the status of the wetland referred to as Wetland 'E' and its hydrology.

We have communicated our concerns to the Town of Cornwall Planning Board chairman, Neil Novesky and the Planning Board members in a letter dated, June 6, 2003--which we cc copied to Town Supervisor Jim Sollami. We have yet to receive a response. (See attached copies of letter and cc copy stamped "received," June 6, 2002). We are also including a letter addressed to the Town of Cornwall Supervisor Jim Sollami, and a letter addressed to the Town of New Windsor Supervisor George Meyers, both dated June 13, 2003 (see attached stamped "received" copies of these letters).

Our research, to date, indicates that there was no official response to the wetland hydrology issues raised by CARD, CCAD, and Hydrologist Paul Rubin related to Wetland 'E' and its Army Corp of Engineers (ACOE) jurisdictional status submitted under separate cover by Rubin to both the Town of Cornwall Planning Board as Lead Agency for the Cornwall Commons SEQRA process at the October 7, 2003 SEQRA Public Hearing, and directly to the ACOE, as well as by CARD and CCAD on October 16, 2003 along with other comments and materials to the Town of Cornwall Town Clerks office to be added to the SEQRA record. Rubin's report required immediate Federal attention as it presented data showing the connection between Wetland 'E' and Moodna Creek, thereby showing that Wetland 'E' should in fact be considered a jurisdictional wetland by the ACOE.

Among the relevant concerns, and of immediate importance, the Town of New Windsor, as an involved agency, is overseeing a subdivision request on its portion of the Cornwall Commons property that, according to Rubin's report and plotted map (see attached map "Figure 1") receives the stream outflow of said Wetland 'E' which is located in the middle of the larger Cornwall parcel.

Since we have not yet received a response to our June 6, 2002 letter to the Town of Cornwall Planning Board, we thought it wise to inform you of the current question regarding the status of Wetland 'E,' its related hydrology, and the apparent lack of follow through on a response from the ACOE.

(continued)

(Re: Cornwall Commons Wetlands, FGEIS & SEQRA Findings, CARD, June 13, 2003)

We urge you to investigate the matter of Wetland 'E' and the apparent lack of SEQRA response by either the Town of Cornwall Planning Board or the ACOE to Paul Rubin's documentation showing that, under current Federal Law, Wetland 'E' should be classified as jurisdictional.

Your immediate attention to this matter is requested because the Town of Cornwall Town Board voted on Monday June 9, 2003 to "concur" with the SEQRA Findings of the Planning Board. Also, on June 2, 2003 the Town of Cornwall Planning Board voted to grant "preliminary" approval to a five-lot subdivision of the Cornwall Commons parcel located within the Town of Cornwall.

We also strongly urge that no further action be taken by any involved or regulatory agency on any approvals related to the Cornwall Commons development proposal until such time as the issues of Wetland 'E' and its status have been resolved.

We ask that provisions be made for opening the FGEIS to revisions if and when this becomes necessary based on pending responses.






If you have any further information on the issue of Wetland 'E' or if you have any questions, please contact us at 534-4884. Our FOIL to your office, stamped "received" today, for any documents related to the matter of Wetland 'E' is also attached.


If there are any relevant administrative issues related to reopening the Cornwall Commons FGEIS and Findings Statement, please let us know.

Respectfully,


Mauro Parisi, Chairman, CARD

Attachments:

CARD's letter to Town of Cornwall, Sollami, June 13, 2003 (stamped "received") 
CARD's letter to Town of New Windsor, Meyers, June 13, 2003 (stamped "received") 
CARD's letter to Chairman Novesky and Planning Board, June 6, 2003 (stamped "received") 
cc of June 6, 2003, Novesky/Planning Board letter to Sollami (stamped "received") 
Paul Rubin's map related to Wetland 'E' and site hydrology (Figure 1) 

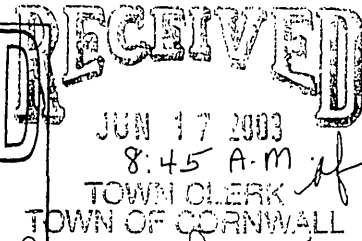
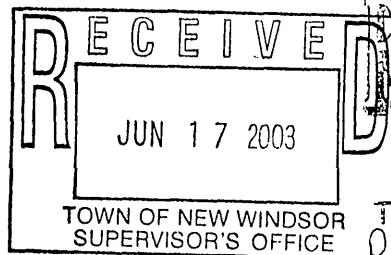
cc: Neil Novesky, Chairman, Town of Cornwall Planning Board
Jim Sollami, Supervisor, Town of Cornwall
George Meyers, Supervisor, Town of New Windsor 
Dr. William Schuster, Chairman, Town of Cornwall Conservation Advisory Council
Basil Seggos, Esq., Riverkeeper. Inc
Paul Rubin, Hydrologist
J.G. Barbour, P.C.

IMMEDIATE ATTENTION REQUESTED

Mauro Salvatore Parisi, Chairman CARD
22 Oak Street
Cornwall, New York 12518

June 16, 2003

Town of Cornwall
Planning Board Members
183 Main Street
Cornwall, New York 12518



cc: LJM @

Received from Mauro Parisi

Re: Cornwall Commons SEQRA & Wetland 'E' CARD June 6, 2003 letter to Novesky

Dear Chairman Novesky and Members of the Planning Board:

We have not yet received a response to our letter to you dated June 6, 2003 captioned: **"Re: Cornwall Commons Wetlands and SEQRA Findings."** We have attached a stamped "received" copy of that letter for your convenience. It is urgent that we receive an immediate response to the listed questions.

We are also attaching cc copies of three letters delivered today to Town of Cornwall Supervisor Jim Sollami, Town of New Windsor Supervisor George Meyers, and DEC Regional Director Marc Moran. These letters pertain to our request to you for information regarding the Cornwall Commons SEQRA process as it relates to Paul Rubin's submitted hydrology report addressing Wetland 'E' and its hydrology, as well as the hydrology of other on-site wetlands, and that of the entire Cornwall Commons site. The letters also question follow through on the ACOE jurisdictional status for Wetland 'E' in light of Rubin's documentation.

A main concern at this point is the "preliminary" approval that was granted the Cornwall Commons five-lot subdivision request on June 2, 2003, and whatever other business and/or approvals are pending in the Town of New Windsor relative to the New Windsor subdivision and site plan. The June 2, 2003 Town of Cornwall Planning Board minutes have been unavailable through FOIL requests.

We hope to hear from you as soon as possible. To expedite matters, we would be glad to meet with you and Supervisor Sollami in order to quickly identify and address the relevant issues and questions. But, most of all, in the interim, we strongly urge you to insure that Wetland 'E' and all other wetland and natural resources of the Cornwall Commons site remain protected until the issues of Wetland 'E,' and its Federal status have been fully addressed.

Questions in addition to our June 6th questions:

- 1) Why was *preliminary* approval granted the five-lot subdivision request? What, if any were the conditions for final approval.

(continued)

(Re: Cornwall Commons SEQRA & Wetland 'E' CARD June 6, 2003 letter to Novesky)

- 2) Since the October 7, 2003 SEQRA Cornwall Commons Public Hearing, have any documents been exchanged between the Planning Board and the ACOE. If so, please identify.
- 3) To your knowledge, Since the October 7, 2003 SEQRA Cornwall Commons Public Hearing, have any documents been exchanged between the applicant and the ACOE. If so, please identify.

Respectfully,



Mauro Parisi, Chairman, CARD

Attachments:

CARD's letter to Town of Cornwall, Sollami, June 13, 2003 (stamped "received") - *if*
CARD's letter to Town of New Windsor, Meyers, June 13, 2003 (stamped "received") - *if*
CARD's letter to DEC Region 3 Regional Director, Marc Moran, June 16, 2003 (stamped "received") *if*

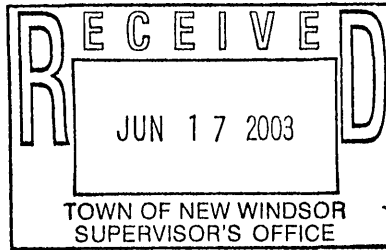
cc: Supervisor Jim Sollomi, Town of Cornwall
George Meyers, Supervisor, Town of New Windsor ✓
Dr. William Schuster, Chairman, Town of Cornwall Conservation Advisory Council
Basil Seggos, Esq., Riverkeeper
Paul Ruben, hydrogeologist
J.G. Barbour, P.C.

IMMEDIATE ATTENTION REQUESTED

Mauro Salvatore Parisi, Chairman CARD
22 Oak Street
Cornwall, New York 12518

June 16, 2003

Jim Sollami, Supervisor
Town of Cornwall
183 Main Street
Cornwall, New York 12518



Re: Cornwall Commons & Wetland 'E' Update and Sollami cc copies

Dear Mr. Sollami:

As mentioned in our letter to you dated June 13, 2003, stamped "received" on June 16, 2003, we have communicated with Town of New Windsor Supervisor George Meyers on the issues related to Wetland 'E' at the Cornwall Commons site. (See attached cc copy to you.)

Another letter was delivered to DEC Region 3 Regional Director Marc Moran and a cc copy to you of that letter is also attached.

Today, a letter to Planning Board Chairman Novesky, along with a set of cc copies to him, was also delivered. (See attached cc copy of that letter to you.)

As mentioned to Mr. Novesky in our June 16th letter to him and the Planning Board:

A main concern at this point is the "preliminary" approval that was granted the Cornwall Commons five-lot subdivision request on June 2, 2003, and whatever other business and/or approvals are pending in the Town of New Windsor relative to the New Windsor subdivision and site plan. The June 2, 2003 Town of Cornwall Planning Board minutes have been unavailable through FOIL requests.

We hope to hear from you as soon as possible. To expedite matters, we would be glad to meet with you and Supervisor Sollami in order to quickly identify and address the relevant issues and questions. But, most of all, in the interim, we strongly urge you to insure that Wetland 'E' and all other wetland and natural resources of the Cornwall Commons site remain protected until the issues of Wetland 'E,' and its Federal status have been fully addressed.

And...

Questions in addition to our June 6th questions:

- 1) Why was *preliminary* approval granted the five-lot subdivision request? What, if any were the conditions for final approval.

(continued)

Re: Cornwall Commons & Wetland 'E' Update and Sollami cc copies

- 2) Since the October 7, 2003 SEQRA Cornwall Commons Public Hearing, have any documents been exchanged between the Planning Board and the ACOE. If so, please identify.
- 3) To your knowledge, Since the October 7, 2003 SEQRA Cornwall Commons Public Hearing, have any documents been exchanged between the applicant and the ACOE. If so, please identify.

We request that you look into this matter immediately and hope to hear from you as soon as possible.

Respectfully,



Mauro Parisi, Chairman, CARD

Attachments:

CARD's letter to Town of New Windsor, Meyers, June 13, 2003 (stamped "received") — *af*
CARD's letter to DEC Region 3 Regional Director, Marc Moran, June 16, 2003 (stamped "received") — *af*
CARD's letter to Planning Board Chairman Neil Novesky, June 16, 2003 (stamped "received") — *af*

cc: Neil Novesky, Chairman, Town of Cornwall Planning Board
George Meyers, Supervisor, Town of New Windsor ✓
Dr. William Schuster, Chairman, Town of Cornwall Conservation Advisory Council
Basil Seggos, Esq., Riverkeeper
Paul Ruben, hydrogeologist
J.G. Barbour, P.C.

Cornwall Alliance for Responsible Development, CARD

22 Oak Street, Cornwall, New York 12518
Phone: 845-534-4884, FAX: 845-534-2445

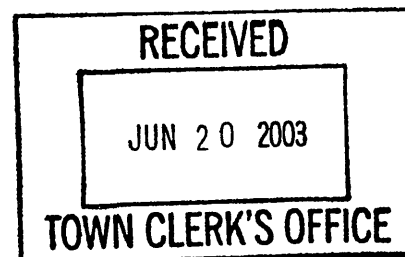
FOIL REQUEST

Page 1 of 1

cc: Supervisor
~~Mr. Mason~~
m. Mason

DATE: June 18, 2003

TO: Town Clerk/FOILS
Town of New Windsor
555 Union Avenue
New Windsor, New York 12518



Re: Cornwall Commons proposed development project

Please provide all documents related to "Cornwall Commons," including but not limited to documents related to its SEQRA review process, the wetland known as Wetland 'E' (including its hydrology and its Army Corp of Engineers jurisdictional status), all Town of New Windsor approvals/requests, etc. to date--for our review.

Sincerely,

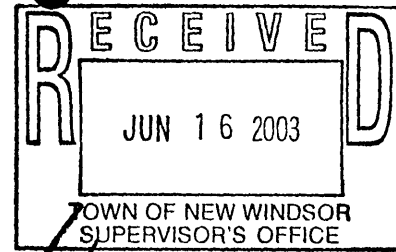
A handwritten signature in black ink, appearing to read "Mauro Parisi".

Mauro Parisi, Chairman, CARD

Mauro Salvatore Parisi, Chairman
Cornwall Alliance for Responsible Development, CARD
22 Oak Street, Cornwall, New York 12518

June 13, 2003

George Meyers, Town Supervisor
Town of New Windsor
555 Union Avenue
New Windsor, New York 12518



Re: Cornwall Commons Wetlands, FGEIS & SEQRA Findings

Dear Mr. Meyers:

We are writing to you regarding the proposed Cornwall Commons development project and its related FGEIS and Findings Statement. The Town of New Windsor is an involved agency in this SEQRA process and there is subdivision being proposed for the 52-acre portion of the property which lies within New Windsor.

Cornwall Alliance for Responsible Development (CARD) and Cornwall Citizens for Appropriate Development (CCAD) as well as other regional, state, and national organizations have participated in the evolution of the Cornwall Commons development proposal over the past three years responding to and commenting on the several DGEIS documents that have been submitted.

We have communicated with Town of Cornwall Planning Board Chairman Neil Novesky in a letter to him and the Planning Board members which we cc copied Town Supervisor Jim Sollami (see attached copies of June 6, 2003 letter and cc copy stamped "received" on June 6, 2002).

Our research to date indicates that there was no official response to the wetland hydrology issues raised by Hydrologist Paul Rubin related to Wetland 'E' and its Army Corp of Engineers (ACOE) jurisdictional status, in his report submitted to the Town of Cornwall Planning Board as Lead Agency for the Cornwall Commons SEQRA process at the October 7, 2003 SEQRA Public Hearing, as well as on October 16, 2003 along with other comments and materials submitted by CARD and CCAD. The report was also sent, by Rubin, directly to the ACOE. Rubin's report required immediate Federal attention as it presented data showing the connection between Wetland 'E' and Moodna Creek, thereby demonstrating that Wetland 'E' should in fact be classified as jurisdictional by the ACOE.

Among other relevant issues, and of immediate importance, the Town of New Windsor, as an involved agency, is overseeing a subdivision request on its portion of the Cornwall Commons property that, according to Rubin's report and plotted map (see attached map "Figure 1") receives the stream outflow of said Wetland 'E,' located in the middle of the larger Cornwall parcel.

Also, our Town of Cornwall Planning board has, as of their June 2, 2003 meeting, voted to grant "preliminary" approval to a five lot subdivision of the Cornwall Commons parcel located in Cornwall. (Minutes for that meeting were unavailable as of today, June 13th.)

(continued)

CC:

(Re: Cornwall Commons Wetlands, FGEIS & SEQRA Findings, CARD, June 13, 2003)

Since we have not yet received a response to our June 6, 2002 letter to the Town of Cornwall Planning Board, we thought it wise to inform you of the current concerns regarding the status of Wetland 'E,' its related hydrology, and the apparent lack of follow through on a response from the ACOE. We are also attaching a copy of our most recent communication with Mr. Sollami (letter dated, June 13, 2003, stamped "received" on June 16, 2003).

We urge you to investigate the matter of Wetland 'E' and the apparent lack of response by either the Town of Cornwall Planning Board or the ACOE to Rubin's documentation which shows that under current federal law it qualifies as a Federally protected wetland.

Your immediate attention to this matter is requested because the Town of Cornwall Town Board voted on Monday June 9, 2003 to "concur" with the SEQRA Findings of the Planning Board.

We strongly urge that no further action be taken regarding the Cornwall Commons development proposal until the issues of Wetland 'E' and its status have been resolved.

If you have any further information on the issue of Wetland 'E' or if you have further questions, please contact us at 534-4884.

Respectfully,



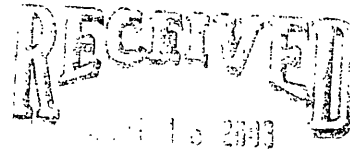
Mauro Parisi, Chairman, CARD

Attachments:

CARD's letter to Town of Cornwall, Sollami, June 13, 2003 (stamped "received") (W)
CARD's letter to Chairman Novesky and Planning Board, June 6, 2003 (stamped "received") (W)
cc of June 6, 2003, Novesky/Planning Board letter to Sollami (stamped "received") (W)
Paul Rubin's map related to Wetland 'E' and site hydrology (Figure 1) (W)

cc: Jim Sollami, Supervisor, Town of Cornwall
Neil Novesky, Chairman, Town of Cornwall Planning Board
Marc Moran, Director, NYSDEC, Region 3
Dr. William Schuster, Chairman, Town of Cornwall Conservation Advisory Council
Basil Seggos, Esq., Riverkeeper, Inc
Paul Rubin, Hydrologist
J.G. Barbour, P.C.

Mauro Salvatore Parisi, Chairman
Cornwall Alliance for Responsible Development, CARD
22 Oak Street, Cornwall, New York 12518



June 13, 2003

Jim Sollami, Town Supervisor
Town of Cornwall
183 Main Street
Cornwall, New York 12518

from Mauro Parisi
MD

Re: Cornwall Commons Wetlands, FGEIS & SEQRA Findings

Dear Mr. Sollami:

As mentioned in our letter to Planning Board Chairman Novesky and members of the Planning Board of June 6, 2003, delivered to our Town Clerk along with a cc copy to you (both the original and cc stamped "received" on that day) there were, and still are, very serious concerns about the handling of the Planning Board-approved FGEIS and Findings Statement with regard to the status of Wetland 'E.' In particular, the apparent lack of official response on the jurisdictional status of Wetland 'E' by the Army Corp of Engineers (ACOE), especially in light of Paul Rubin's data regarding the hydrological connection between Wetland 'E' and Moodna Creek. For your convenience, we have attached a copy of our June 6th letter, a copy of our cc to you (both marked 'received' on June 6th) and a copy of Rubin's hydrology map for Wetland 'E' (Figure 1).

Unfortunately, and notwithstanding our effort to communicate this apparent deficiency, you and our Town Board voted to "concur" with the FGEIS and Finding Statements adopted by our Planning Board. Since we have yet to receive a response, written or otherwise, to our June 6th letter, we are repeating the content of that letter here with additional comments on page two:

It has been brought to our attention that, as of June 6, 2003, site plans for the Cornwall Commons proposed development project for 200 acres on 9W, available for public viewing at the Town Clerks office, indicate that Wetland 'E' is no longer being mapped.

Questions:

- 1) Why is Wetland 'E' no longer shown on the Lanc and Tully site map for Cornwall Commons dated (revised) May 20, 2003?
- 2) Has the planning board generated a finding statement addressing the citizen comments submitted at or after the SEQRA public hearing held on October 7, 2002—especially addressing the substantial comments of CARD and CCAD as well as the hydrology report submitted by hydrologist, Paul Rubin, and the wildlife report submitted by J.G. Barbour?
- 3) Has the planning board received a final judgment from the US Army Corp of Engineers on the matter of their jurisdiction over Wetland 'E' in response to Mr. Rubin's hydrology report and specific comments regarding the nature of Wetland 'E' as a non-isolated wetland? (The USACE was also sent a copy of the report in early October.)

(continued)

Mauro Salvatore Parisi, Chairman CARD
22 Oak Street
Cornwall, New York 12518

June 6, 2003

Town of Cornwall
Planning Board Members
183 Main Street
Cornwall, New York 12518

Re: Cornwall Commons Wetlands and SEQRA Findings

Dear Chairman Novesky and Members of the Planning Board:

It has been brought to our attention that, as of June 6, 2003, site plans for the Cornwall Commons proposed development project for 200 acres on 9W, available for public viewing at the Town Clerks office, indicate that Wetland 'E' is no longer being mapped.

Questions:

- 1) Why is Wetland 'E' no longer shown on the Lanc and Tully site map for Cornwall Commons dated (revised) May 20, 2003?
- 2) Has the planning board generated a finding statement addressing the citizen comments submitted at or after the SEQRA public hearing held on October 7, 2002—especially addressing the substantial comments of CARD and CCAD as well as the hydrology report submitted by hydrologist, Paul Ruben, and the wildlife report submitted by J.G. Barbour?
- 3) Has the planning board received a final judgment from the US Army Corp of Engineers on the matter of their jurisdiction over Wetland 'E' in response to Mr. Ruben's hydrology report and specific comments regarding the nature of Wetland 'E' as a non-isolated wetland? (The USACE was also sent a copy of the report in early October.)
- 4) What is the current status of the Cornwall Commons SEQRA process and what specific SEQRA documents have been generated since the October 7, 2002 public hearing?

Please provide the names and dates of specific documents responding to the above questions. We are looking forward to your speedy response as time, as always, is of the essence.

Respectfully,



Mauro Parisi, Chairman, CARD

cc: Supervisor Jim Sollomi, Town of Cornwall
Paul Ruben, hydrogeologist
J.G. Barbour, P.C.

Mauro Salvatore Parisi, Chairman CARD
22 Oak Street
Cornwall, New York 12518

June 6, 2003

Town of Cornwall
Planning Board Members
183 Main Street
Cornwall, New York 12518

Re: Cornwall Commons Wetlands and SEQRA Findings

Dear Chairman Novesky and Members of the Planning Board:

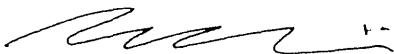
It has been brought to our attention that, as of June 6, 2003, site plans for the Cornwall Commons proposed development project for 200 acres on 9W, available for public viewing at the Town Clerks office, indicate that Wetland 'E' is no longer being mapped.

Questions:

- 1) Why is Wetland 'E' no longer shown on the Lanc and Tully site map for Cornwall Commons dated (revised) May 20, 2003?
- 2) Has the planning board generated a finding statement addressing the citizen comments submitted at or after the SEQRA public hearing held on October 7, 2002—especially addressing the substantial comments of CARD and CCAD as well as the hydrology report submitted by hydrologist, Paul Ruben, and the wildlife report submitted by J.G. Barbour?
- 3) Has the planning board received a final judgment from the US Army Corp of Engineers on the matter of their jurisdiction over Wetland 'E' in response to Mr. Ruben's hydrology report and specific comments regarding the nature of Wetland 'E' as a non-isolated wetland? (The USACE was also sent a copy of the report in early October.)
- 4) What is the current status of the Cornwall Commons SEQRA process and what specific SEQRA documents have been generated since the October 7, 2002 public hearing?

Please provide the names and dates of specific documents responding to the above questions. We are looking forward to your speedy response as time, as always, is of the essence.

Respectfully,



Mauro Parisi, Chairman, CARD

cc: Supervisor Jim Sollomi, Town of Cornwall ✓
Paul Ruben, hydrogeologist
J.G. Barbour, P.C.

Cornwall Commons

Delineated Wetlands & Surface Drainage

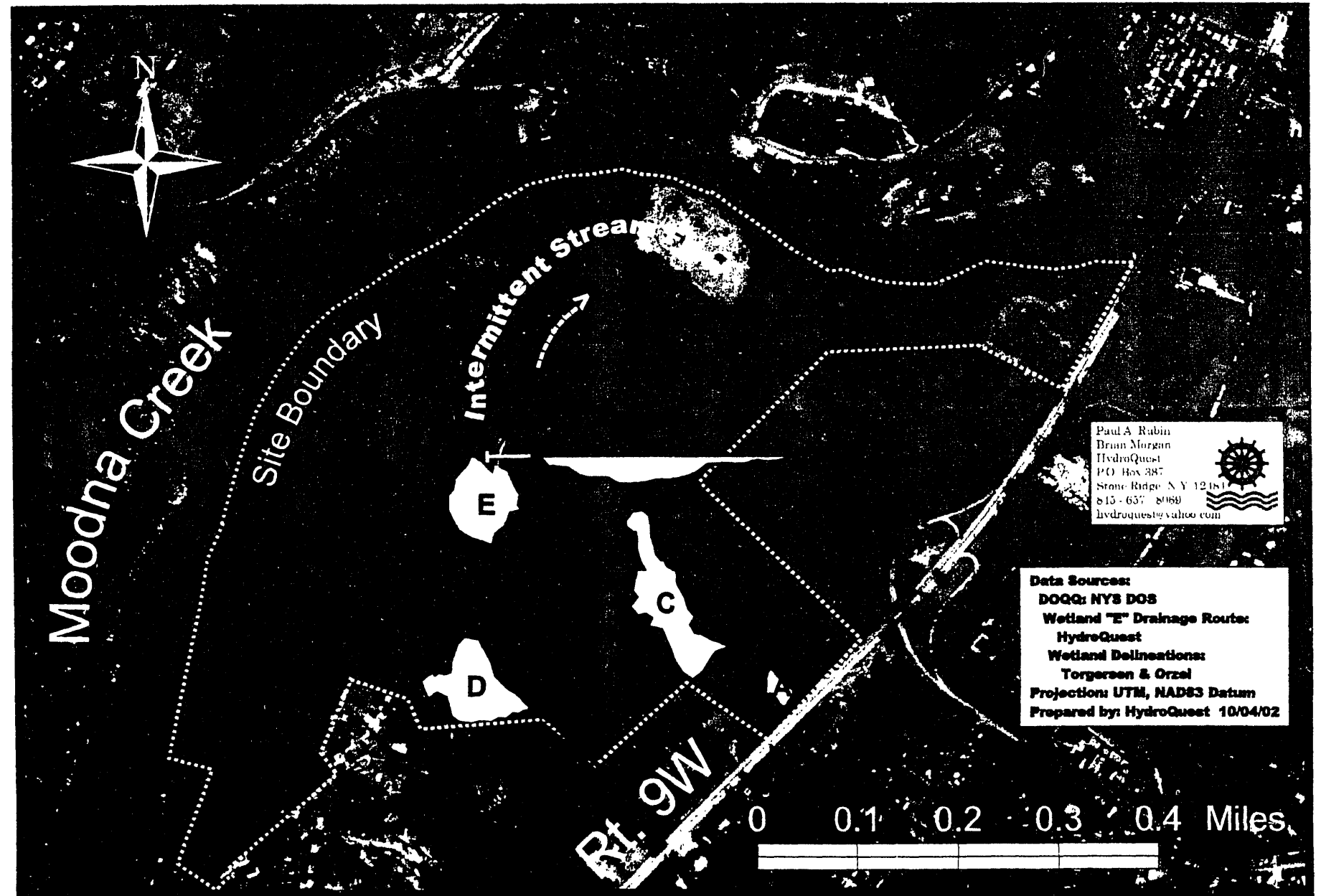


Figure 1

(Re: Cornwall Commons Wetlands, FGEIS & SEQRA Findings, CARD, June 13, 2003)

- 4) What is the current status of the Cornwall Commons SEQRA process and what specific SEQRA documents have been generated since the October 7, 2002 public hearing?

Please provide the names and dates of specific documents responding to the above questions. We are looking forward to your speedy response as time, as always, is of the essence.

(end of content of June 6th letter)

It seems clear, from our inspection of the relevant documents and records including but not limited to, the FGEIS, the Findings Statement, and planning board minutes from September of 2002 to May of 2003 (according to the Town Clerk's office, minutes for the June 2, 2003 Planning Board meeting are as of today unavailable), that neither the applicant nor our Planning Board addressed the specific findings and claims made by hydrologist, Paul Rubin, in connection with the non-isolated character of Wetland 'E' and its relationship to Moodna Creek. This information required immediate Federal attention and was submitted to our Planning Board as Lead Agency at both the October 7, 2002 SEQRA Public Hearing, and on October 16, 2002 with other comments and documents under a single cover. For your convenience, we have also attached the cover page of that submission (stamped "received") with contents checked off by our Town Clerk.

The consequences of this apparent lack of official response to a key issue regarding the proposed development of the Cornwall Commons site are very troubling indeed from the standpoint of SEQRA and Federal Law. As mentioned at our June 13, 2003 meeting, in your office, on the issue of Cornwall Commons wetlands and Wetland 'E,' answers are needed and care taken to protect all of the wetland resources at the proposed Cornwall Commons site--in particular Wetland 'E,' at least until such time as an official ruling is received from the ACOE.

We urge you to meet with Planning Board Chairman Novesky regarding this issue and to revisit the record yourself in light of our concerns and findings.

We would also strongly urge that, in the interim, you do everything in your power to protect all the wetland resources at the proposed Cornwall Commons site--including Wetland 'E'--until such time as this matter is fully resolved.

We are sending separate letter to Town of New Windsor Supervisor George Meyers with a cc to you regarding these matters since both the Town of New Windsor Town Board and Planning Board are involved agencies and since the hydrology of the larger Cornwall parcel directly affects any proposed development or approvals for the New Windsor parcel.

Among other relevant issues, and of immediate importance, the Town of New Windsor, as an involved agency, is overseeing a subdivision request on its portion of the Cornwall Commons property that, according to Rubin's report and plotted map (see attached map "Figure 1") receives the stream outflow of said Wetland 'E' which is located in the middle of the larger Cornwall parcel.

(Re: Cornwall Commons Wetlands, FGEIS & SEQRA Findings, CARD, June 13, 2003)

Also, our Town of Cornwall Planning board has, as of their June 2, 2003 meeting, voted to grant "preliminary" approval to a five lot subdivision of the Cornwall Commons parcel located in Cornwall. (Minutes of that meeting were unavailable as of today, June 13th.)

We look forward to a speedy response as time, as always, is of the essence.

Respectfully,



Mauro Parisi, Chairman, CARD

Attachments:

CARD's letter to Chairman Novesky and Planning Board, June 6, 2003 (stamped "received") *Rec'd 6/10/03*
cc of June 6, 2003, Novesky/Planning Board letter to Sollami (stamped "received") *Rec'd 6/10/03*
CARD's October 7, 2003 DGEIS comments cover sheet (stamped "received") *Rec'd 6/10/03*
Paul Rubin's map related to Wetland 'E' and site hydrology (Figure. 1) *Rec'd 6/10/03*

cc: George Meyers, Supervisor, New Windsor
Neil Novesky, Chairman, Town of Cornwall Planning Board
Marc Moran, Director, NYSDEC, Region 3
Dr. William Schuster, Chairman, Town of Cornwall Conservation Advisory Council
Basil Seggos, Esq., Riverkeeper. Inc
Paul Rubin, Hydrologist
J.G. Barbour, P.C.

CORNWALL COMMONS SUBDIVISION (00-06)

Robert DiNardo, Esq. and Ms. Lorraine Potter from Lanc & Tully appeared before the board for this proposal.

MR. PETRO: Application proposes subdivision of 52.8 acres into 69 single family residential lots. Plan was reviewed at the 22 March, 2000 and 24 April, 2002 planning board meeting. So you're grandfathered in under the old zoning?

MS. POTTER: Yes.

MR. PETRO: This is going to be, this is down by?

MR. EDSALL: This is the Cornwall Commons project at the top of Moodna hill.

MR. PETRO: Where is the water coming from?

MR. EDSALL: Village of Cornwall has already executed an intermunicipal agreement with New Windsor to provide water to this site.

MR. PETRO: You're not affected by the water moratorium on this application?

MS. POTTER: No.

MR. PETRO: Cornwall Planning Board assumed the role of lead agency, they received and they adopted the findings statement relative to the GEIS which includes the environmental evaluation and the development of the New Windsor lands, how many houses in New Windsor?

MS. POTTER: Sixty-nine.

MR. PETRO: Now there was some comments that came from Mr. Kroll, I guess you're aware of that, the dedication of the roads?

MS. POTTER: Yes, we're in the process of working with the Town attorneys on an agreement on how to handle dedicating this portion or ownership of this portion of the road which is in the Town of Cornwall to the Town

of New Windsor.

MR. PETRO: You realize why he's doing that so if there's a storm, the road would be under our control, he can manage it, he doesn't have to tell anybody else, we can get in there.

MS. POTTER: My name is Lorraine Potter, I'm with Lanc & Tully Engineering. As you've mentioned before, SEQRA review has been completed. This is Route 9W, we're proposing 69 lot residential individual home ownership. There's a main road coming off of 9W on the north side which will eventually loop around and come out on the southerly portion of the property. Main access to the site would be from this portion, we would have interior roads with a cul-de-sac at the end for the residential subdivision. We have talked with Mr. Edsall in regard to possibly developing a certain portion of the roads with the number of lots at the beginning phase and then for the remainder of the roads to be completed as the subdivision goes on. The sewer is Town of Cornwall through a pump station, all the sewage will be coming down here and the forced main will be crossing 9W going to the Town of Cornwall sewage treatment plant. That's basically it. Do you have any questions?

MR. PETRO: I have been, not that I'm trying to, I'm certainly not ignoring you, I'm concerned because we have a disapproval from the fire and there was two reasons he has or three or four new reasons, but one of the original comments and I think this goes back to 2000 when you first came in is that we had asked that the road have another access point in New Windsor somewhere.

MR. EDSALL: It's been looped, Jim, they did modify the plan to create that second loop into the project.

MR. PETRO: Not down to Forge Hill. Originally, we looked at off the cul-de-sac eliminating the lot and getting down to the road but the topo was a problem.

MR. EDSALL: That was sewer but you'd never get a road down, that's a cliff, there's really no accessible way over that, off that portion of the property.

MR. PETRO: Anything can be done.

MR. EDSALL: That would be a tough one.

MR. BABCOCK: They added Road D, Mark?

MR. EDSALL: They added Road D as a loop at your request that was added to the Cornwall plan and explained to Cornwall's planning board that you required it.

MR. PETRO: We do have some comments, I am unable to locate fire hydrants.

MS. POTTER: We'll be adding those.

MR. PETRO: You can get a copy of this, I'm just going to do this quick. So now please explain the reason there are two different water main sizes, 8 and 12 inch.

MS. POTTER: The 8, the 12 inch is for servicing the whole entire parcel, including the Town of Cornwall, we'll be coming in with the main line connecting to Cornwall, looping through coming to this portion and future connection crossing 9W. The 8 inch line which goes through the residential area is all that's required for the residential services.

MR. PETRO: And road names needed for all roadways in the Town of New Windsor, we have time for that yet. Why are you here tonight?

MR. DINARDO: Public hearing.

MS. POTTER: To request a public hearing.

MR. PETRO: I think you're ready for a public hearing on this one.

MR. DINARDO: I thought if I stayed long enough, you'd say that, Mr. Chairman.

MR. PETRO: Something's going right. Mark?

MR. EDSALL: I do think it's important we get the public hearing moving because they are ready but secondly because Cornwall has adopted their findings and Bob, correct me if I describe the procedure incorrectly, but we need to since it was a Type I action and because it had an EIS prepared, we need to do our on findings and obviously, we should do that upon the conclusion of public hearing. So I'd like to not have that drag on and really our conclusions are solely based on I believe our portion of the project.

MR. PETRO: Motion for a public hearing.

MR. LANDER: So moved.

MR. BRESNAN: Second it.

MR. PETRO: Motion has been made and seconded that the New Windsor Planning Board schedule a public hearing for the Cornwall Commons major subdivision, New York State Route 9W. Is there any further discussion from the board members? If not, roll call.

ROLL CALL

MR. LANDER	AYE
MR. BRESNAN	AYE
MR. KARNAVEZOS	AYE
MR. SCHLESINGER	AYE
MR. PETRO	AYE

MR. PETRO: Anything else? I think that's good.

MR. DINARDO: Right, thank you.



McGOEY, HAUSER and EDSALL
CONSULTING ENGINEERS P.C.

RICHARD D. McGOEY, P.E. (NY & PA)
WILLIAM J. HAUSER, P.E. (NY & NJ)
MARK J. EDSALL, P.E. (NY, NJ & PA)
JAMES M. FARR, P.E. (NY & PA)

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mje@mhepc.com

TOWN OF NEW WINDSOR
PLANNING BOARD
REVIEW COMMENTS

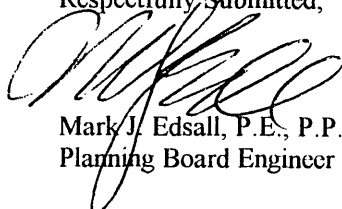
PROJECT NAME: CORNWALL COMMONS MAJOR SUBDIVISION
PROJECT LOCATION: NYS ROUTE 9W
SECTION 37 – BLOCK 1 – LOT 45.1
PROJECT NUMBER: 00-06
DATE: 14 MAY 2003
DESCRIPTION: THE APPLICATION PROPOSES THE SUBDIVISION OF THE 52.8+/- ACRE PARCEL INTO SIXTY-NINE (69) SINGLE-FAMILY RESIDENTIAL LOTS. THE APPLICATION WAS PREVIOUSLY REVIEWED AT THE 22 MARCH 2000 AND 24 APRIL 2002 PLANNING BOARD MEETINGS.

1. This application is part of an overall Cornwall Commons development, which spans the Town line into the Town of Cornwall. The Town of Cornwall Planning Board is also considering a subdivision application in their PIO zone for a subdivision.

Previously, the Town of Cornwall Planning Board assumed the role of Lead Agency under SEQRA. The most recent action under SEQRA is the adoption (by the Cornwall board) of a Findings Statement relative to the GEIS, which includes an environmental evaluation of the development of the New Windsor lands. It is necessary (and appropriate) that this board (NWPB) adopt its findings at its earliest convenience. I suggest the Board authorize this writer and Andy Krieger to work with the applicants in this regard.

2. The only "new" issue I am aware of is the requirement of the Highway Superintendent that the northerly access road from 9W to the New Windsor subdivision be a New Windsor Town road. This would seem to require a minor annexation of a 50' wide strip from Cornwall to New Windsor. The Board may wish to discuss this aspect, and the supporting reasons and conclusions could be included in this board's findings.

Respectfully Submitted,



Mark J. Edsall, P.E., P.P.
Planning Board Engineer

MJE/st
NW00-06-14May03.doc



New York State Office of Parks, Recreation and Historic Preservation
Historic Preservation Field Services Bureau
Peebles Island, PO Box 189, Waterford, New York 12188-0189

518-237-8643

May 8, 2003

Neil Novesky
Town of Cornwall Planning Department
Town Hall
183 Main Street
Cornwall, NY 12518

Dear Mr. Novesky:

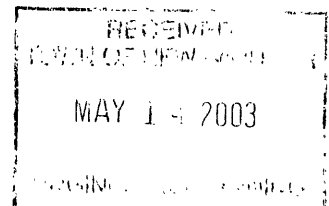
Re: SEQRA
Adoption of SEQRA Findings
Cornwall Commons Subdivision
Town of Cornwall, Orange County, NY
00PR00557

Thank you for requesting the comments of the Office of Parks, Recreation and Historic Preservation (OPRHP) with regard to the potential for this project to affect significant historical/cultural resources. OPRHP has received your Notice of Adoption of Lead Agency Written SEQRA Findings for this project. After reviewing the findings statement, OPRHP feels it is important to point out an error in the statement.

On page 23, under "H. Cultural Resource" it is indicated that "The Cultural Resources analysis was referred to the NYS Office of Parks, Recreation and Historic Preservation in February of 2002; no objections have been received by the Lead Agency to date". In fact OPRHP has responded to that survey. On March 29, 2002 we responded to the submission of the report with a letter to the archaeological consultant, Stephen Oberon, that was also copied to Cornwall Commons, LLC. In this letter it was indicated that while the report covered the northern portion of the project area, it did not address the entire project, and that OPRHP would need to review the entire project before providing a final determination. Since this has not been done and we do not know if there are historic properties in the un-surveyed portion of the project, it is premature for the Finding Statement to indicate that there are no Mitigation Measures needed.

We would also like to note that after receiving the DEIS, we wrote directly to you on September 27, 2002 to indicate that our March 29, 2002 response was not included in the DEIS. A copy of the March 29 letter was included in our September 27 letter.

Additionally, our concern for the need for additional survey was clearly outlined in the FGEIS in which Mr. Cappella acknowledged that prior to any development in the Town of Cornwall portions...additional testing may be necessary before SHPO has signed off...(Section 2-page 10). Based on this our office concluded that you understood the need for additional testing and did not see a need to respond to the FGEIS. However, the Findings Statement indicates that this need has not been fully recognized. By way of this letter OPRHP is once again informing the Town that we have not completed our review, and that it is premature to indicate that no historic/cultural resources will be impacted by this project.



Finally, ORPHP feels it is important to point out several items in the FGEIS that were originally accepted as without concern. This document identifies Mr. Oberon as having a Ph.D. in archaeology. This is not the case. While Mr. Oberon has been a professional in the field for many years, we do not believe that he has a Ph.D. Second, Mr. Cappella's statement that "the likelihood of any other significant cultural resources being located on the entire parcel is very low" (page 10) does not reflect the opinion of ORPHP and is not indicated in our response to this report.

At this point, ORPHP continues to recommend that the additional survey be completed and we continue to indicate that it is premature to provide an impact determination for this project. We are concerned that our comments appear to have not been considered on several occasions and that although they did seem to be introduced into the FGEIS, they have now been disregarded again.

Please contact me at extension 3291 if you have any questions regarding these comments.

Sincerely

A handwritten signature in black ink, appearing to read "Douglas P. Mackey". The signature is fluid and cursive, with the first name "Douglas" being more prominent.

Douglas P. Mackey
Historic Preservation Program Analyst
Archaeology

Cc: ☒ Town of New Windsor Planning Board
Village of Cornwall-on-Hudson
NYSDEC Region 3
NYSDOT Region 8
NYS DOH



PROJECT: Cornwall Commons P.B. # 00-06

NEGATIVE DEC:

M)____S)____VOTE: A____N____
CARRIED: Y____N____

M)____S)____VOTE: A____N____
CARRIED: Y____N____

PUBLIC HEARING: **WAIVED:** no **CLOSED:** _____

M) L S) B VOTE: A 5 N 0 SCHEDULE P.H.: Y ✓ N

SEND TO O.C. PLANNING: Y____
SEND TO DEPT. OF TRANSPORTATION: Y____

REFER TO Z.B.A.: M)____S)____ VOTE: A____N____

RETURN TO WORK SHOP: Y___N___

APPROVAL:

M) S) VOTE: A N APPROVED:

NEED NEW PLANS: Y_____N_____

CONDITIONS – NOTES:

[illegible]

RESULTS OF P.P. MEETING OF: April 21 2002

PROJECT: Cornwall Commons Sub. P.B.# 00-06

LEAD AGENCY:

NEGATIVE DEC:

1. AUTHORIZE COORD LETTER: Y N

M)___ S)___ VOTE: A N

2. TAKE LEAD AGENCY: Y N

CARRIED: YES NO

M) S) VOTE: A N

CARRIED: YES NO

WAIVE PUBLIC HEARING: M) S) VOTE: A N WAIVED: Y N

SCHEDULE P.H. Y N

SEND TO O.C. PLANNING: Y

SEND TO DEPT. OF TRANSPORTATION: Y

REFER TO Z.B.A.: M) S) VOTE: A N

RETURN TO WORK SHOP: YES NO

APPROVAL:

M) S) VOTE: A N APPROVED:

M) S) VOTE: A N APPROVED CONDITIONALLY:

NEED NEW PLANS: Y N

DISCUSSION/APPROVAL CONDITIONS:

Accepted DGEIS

CORNWALL COMMONS LAND DEVELOPMENT (00-06)

John Cappello, Esq. appeared before the board for this proposal.

MR. CAPPELLO: I'm John Cappello here on behalf of Cornwall Commons project. The map you see before me is pretty much the similar one that's been before this board over the course of the last at least two years. What's different now is we have submitted our draft environmental impact statement both to the Town of Cornwall Planning Board and to the Town of New Windsor Planning Board. As you recall, this project fronts on 9W, Forge Hill Road is probably about here 53 acres or so in the Town of New Windsor and 143 in the Town of Cornwall. The DGEIS is set up to look at impacts of the commercially zoned portion of the project in the Town of Cornwall and to do a little bit of a more site specific on the permit, the uses in the H-3 zoning district in the Town of New Windsor portion. We have shown and have an application pending before the board for 69 single family lots, the DGEIS also examines the potential impacts from a senior citizen development or a PUD development which are both special permits in this zoning district and what we have done is we have compared and contrasted the potential impacts as they relate to water, sewer, drainage, traffic from the various different types of permitted uses, so when the site specific plan is pursued, we'll be able to use this impact statement as the support for any future development. But we do have an application pending for these 69 lots.

MR. PETRO: What are the sizes of the lots?

MR. CAPPELLO: 20,000 square feet.

MR. PETRO: How did you sneak that passed me? I don't remember how you could have done that. March 2000, I know.

MR. CAPPELLO: We show I think when we were before the board, we discussed the access roads. As you can see, the Town of New Windsor line runs along here. There are two separate accesses and both will be constructed.

We have been in front of the DOT and had initial discussions with them, both access roads would be built so you would have a loop road with two entrances. This would go through the commercial development. This would basically service the residential development. It starts in Cornwall, runs along the town line and then it would be some sort of a demarcation here for the residential development to separate it off from the commercially zoned portion. I believe the Town of Cornwall and Town of New Windsor have similar arrangements where there's road crossing boundaries and so they make an agreement as to who will maintain the roads. I know there was a question that was raised in Cornwall, we have been pursuing water service, we have agreements between the Village of Cornwall-on-Hudson, Town of Cornwall and Town of New Windsor to provide water to the site. We have two options for sewer that we have been exploring, one would be servicing the whole development in the Town of Cornwall plant which does have the capacity and the other one was alternative would be serving the whole development in the Town of New Windsor plant. We have had draft agreements in front of both towns and will be meeting with the town attorney tomorrow in New Windsor to further that process along. The wetlands on the site have been delineated and confirmed by the Army Corps of Engineers. There are no wetlands on the Town of New Windsor site. There has been a Phase 1A and 1B archeological survey done on the site, it's all contained in the EIS to clear the site so--

MR. PETRO: How about the grades of the roads? I remember there was some pretty rough topo there.

MR. CAPPELLO: Yeah, it's discussed here and Art Tully will be, is the engineer on this, but we have met the minimum grades of the town and a grading plan obviously we're not that far, we're looking generic, but looks like we can do the cut and fill once we do the site.

MR. PETRO: No access on Forge Hill Road.

MR. CAPPELLO: No, two accesses from 9W, we did include the second emergency access the board requested at one of the very first meetings, so this is not the only

entrance into the site. This would be emergency access also and this is, the Moodna runs down here, it's a very steep incline, so it would be very difficult to access anywhere other than 9W.

MR. PETRO: All right, the board's going to, obviously, we received these today, each member is going to get a chance to look them over and I think we're going to coordinate with Mark and the Cornwall team.

MR. CAPPELLO: Okay, because traditionally, Town of Cornwall Planning Board is the lead agency and usually, you have one lead agency and the other involved agencies don't see the EIS until it's accepted and is complete by the lead agency. But being there's two separate jurisdictions here, we wanted to give you as much lead time and coordinate the process as much as we can in the Town of Cornwall. I believe it's on for the, is it the May meeting?

MR. EDSALL: It was on, Jerry Jacobowitz appeared at the meeting on the 9th of April and basically did the same with the Cornwall board as John is doing with you folks, just--

MR. CAPPELLO: I was a little better, right?

MR. EDSALL: You did a hell of a lot better job. Bottom line just letting the board know where it stands and formally submitting the DGEIS so at this point and as I believe I note this in my comments, the board should look at the document, the scope has already been determined probably a year ago and if they have any comments, we can just start to gather them and pass them over to Cornwall as lead agency and get them addressed as soon as possible.

MR. PETRO: Any comments?

MR. EDSALL: Cornwall had one comment that I will pass over so when they ask if I said it, I can have a clear conscience and say I did, your comment about the size of the lots and how did they slip it by you. They would probably prefer some, a less lot count and some larger lots as well. That was one of their concerns.

MR. PETRO: What's the chance of that?

MR. CAPPELLO: We'll examine the impacts also just so you know one of the things we have examined in New Windsor is potential for senior citizen development, which is also a permitted use from the zoning district and PUD so there's, you know, some leeway, but this is as you can see, there is a lot of infrastructure associated with the development.

MR. PETRO: I understand you have the cost of the build-out, but you have to realize that 250,000 square foot lots in this day and age you're building a little larger houses and I don't have to give you all the reasons, you probably know, so maybe if you lost some of them, if you lost 10 percent or something and you made and divided that up, each lot would certainly be nicer size, build a better house and still captivate your audience and get some extra money.

MR. CAPPELLO: Without asking any commitments, I mean, does the board or the town have any feelings about a senior citizen, need for senior citizen development or examining the other possibilities because like I said, we have raised them and they are permitted in the zoning district. So as you think about larger lots and single family, I don't want to take that totally off the table if that's something that you feel there's a need or a demand for.

MR. PETRO: I will just answer very simply the town is not opposed to senior citizen housing.

MR. LANDER: I think there's a need for senior citizen housing.

MR. CAPPELLO: Some communities are senior citizenized out. Thank you very much.



McGOEY, HAUSER and EDSALL
CONSULTING ENGINEERS P.C.

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TOWN OF NEW WINDSOR
PLANNING BOARD
REVIEW COMMENTS

PROJECT NAME: CORNWALL COMMONS MAJOR SUBDIVISION
PROJECT LOCATION: NYS ROUTE 9W
SECTION 37 – BLOCK 1 – LOT 45.1
PROJECT NUMBER: 00-06
DATE: 24 APRIL 2002
DESCRIPTION: THE APPLICATION PROPOSES THE SUBDIVISION OF THE 52.8+/- ACRE PARCEL INTO SIXTY-NINE (69) SINGLE-FAMILY RESIDENTIAL LOTS. THE APPLICATION WAS PREVIOUSLY REVIEWED AT THE 22 MARCH 2000 PLANNING BOARD MEETING.

1. This application is part of an overall Cornwall Commons development which spans the Town line into the Town of Cornwall. The Town of Cornwall Planning Board is also considering a subdivision application in their PIO zone for a subdivision.

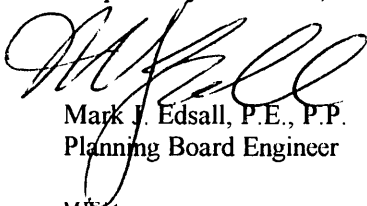
Previously, the Town of Cornwall Planning Board assumed the role of Lead Agency under SEQRA. On May 1, 2000, they held a GEIS scoping session and subsequently circulated (on May 11th) a final scope.

The applicant has completed the Draft Generic Environmental Impact Statement (DGEIS) and submitted same to the Town of Cornwall Planning Board and appeared at their April 9th meeting.

The applicant is now before this board to formally submit the document and update the board as to the status of the project.

2. It is my recommendation that the Board discuss the project and status with the applicant's representative and after same, have each member review the GDEIS. At a later time, we can coordinate all comments and review same with the Town of Cornwall Board, who is also reviewing the document.

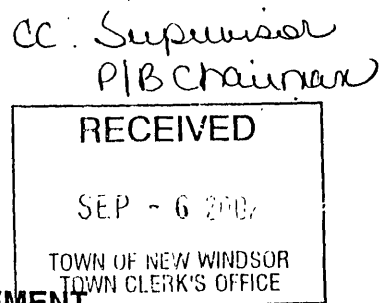
Respectfully Submitted,



Mark J. Edsall, P.E., P.P.
Planning Board Engineer

MJE/st
NW00-06-24Apr02.doc

**NOTICE OF ACCEPTANCE
OF
CORNWALL COMMONS
DRAFT GENERIC ENVIRONMENTAL IMPACT STATEMENT
AND
REVISED NOTICE OF PUBLIC HEARING
TOWN OF CORNWALL PLANNING BOARD**



The Town of Cornwall Planning Board, acting as SEQR Lead Agency for review of the following action, hereby issues notice that it has accepted a Draft Generic Environmental Impact Statement (DGEIS) pursuant to Article 8 of the State Environmental Conservation Law for purposes of public review of the action described below. The site is located on New York State Route 9W and is located both in the Town of Cornwall and the Town of New Windsor. A public hearing is being held on the Draft Generic Environmental Impact Statement at the Town of Cornwall Town Hall at 7:30 PM on October 7, 2002. Oral and written comments will be accepted at the hearing, and written comments will be accepted for a period of ten days after the close of the public hearing on the DGEIS.

Name of Project: Cornwall Commons Subdivision

Action Type: Type I Action for overall action

Location: Town of Cornwall and Town of New Windsor, County of Orange

Location: northwest of NYS Rt. 9W, adjoining former O&W Railway line. Overall project crosses Town of New Windsor municipal boundary line and incorporates a major subdivision of residential lots.

Zoning Districts: PIO (Planned Industrial Office) (Cornwall)
R-3 Residential (New Windsor)

Tax Map Parcel: Town of Cornwall Section 9 Block 1 Lot 25.2
Town of New Windsor Section 37 Block 1 Lot 45.1

Summary of Action:

The action involves a request for subdivision approval for a five-lot subdivision of a 143.68-acre parcel of land fronting on Route 9W in the PIO (Planned Industrial Office) zoning district in the Town of Cornwall. The Town of Cornwall Planning Board would also have powers of site plan approval over any specific use of the subject lands. The land is currently vacant and wooded. The site is located on Route 9W in the vicinity of the Route 218 ramps, extending to Frost Lane on the south, and it is bounded by the former O&W railroad line on the west. The Moodna Creek is located west of the former O&W rail line, and runs close to the site along its west central portion. The site access is completely

in the Town of Cornwall, with a loop road being shown serving both the lands in Cornwall as well as the New Windsor component.

The project lands in the Town of New Windsor, tax parcel Section 37, Block 1, Lot 45.1, total approximately 52.8 acres, or approximately one third of the overall project lands. These adjoining lands in New Windsor are zoned R-3 (Residential).

The document will be on file with the Town Clerks of the Towns of Cornwall and New Windsor, and a copy will also be provided to the Cornwall Library.

Date of Resolution to Accept DGEIS: July 1, 2002

Date of Original Mailing: July 15, 2002 – new notice with revised hearing date mailed on September 5, 2002

Lead Agency Address: Town of Cornwall Planning Board

**Town Hall – 183 Main Street
Cornwall, New York 12518
Tel.(845) 534-9429**

Contact Person: Neil Novesky, Planning Board Chairman

DATE OF SEQR HEARING: October 7, 2002, at 7:30 PM, Town of Cornwall Town Hall, 183 Main Street, Cornwall, New York, 12518

CLOSE OF COMMENT PERIOD: Ten days after the close of the public hearing.

Involved and Interested Agencies to Receive a Copy of the EIS and this Notice:

**Town of Cornwall Town Board
183 Main Street
Cornwall, New York 12518**

**Town of Cornwall Comprehensive Plan Committee
C/o Town Hall
183 Main Street
Cornwall, New York 12518**

**Town of Cornwall Town Clerk
183 Main Street
Cornwall, New York 12518**

**Town of New Windsor Town Board
555 Union Avenue
New Windsor, New York 12553**

**Town of New Windsor Town Clerk
555 Union Avenue
New Windsor, New York 12553**

Town of New Windsor Planning Board
555 Union Avenue
New Windsor, New York 12553

Village of Cornwall-on-Hudson Village Board
325 Hudson Street
Cornwall-on-Hudson, New York 12520

Orange County Department of Health
124 Main Street
Goshen, NY 10924

Orange County Department of Planning
124 Main Street
Goshen, NY 10924

NYS Department of Transportation – Region 8
attn: Planning Department
4 Burnett Boulevard
Poughkeepsie, NY 12603

NYS DEC Region 3
21 South Putt Corners Road
New Paltz, NY 12561

NYS DEC
50 Wolf Road
Albany, NY 12233

NYS DOH
Corning Tower
Empire State Plaz
Albany, NY 12237

NYC DEP
59-17 Junction Boulevard, 10th Floor
Flushing, NY 11373

NYS OPRHP
Field Services Bureau – Peebles Island
PO Box 189
Waterford, NY 12188-0189

Cornwall Library
395 Hudson Street
Cornwall, New York 12518

Cornwall Fire District
Attn: Chief Hines
PO Box 362



Town of New Windsor

555 Union Avenue
New Windsor, New York 12553
Telephone: (845) 563-4615
Fax: (845) 563-4693

OFFICE OF THE PLANNING BOARD

28 October 2002

Mr. Neil Novesky, Chairman
Town of Cornwall Planning Board
183 Main Street
Cornwall, New York

SUBJECT: CORNWALL COMMONS MAJOR SUBDIVISION – DGEIS REVIEW
NEW WINDSOR PLANNING BOARD NO. 00-06
(YOUR APPLICATION 00-01)

Dear Mr. Novesky:

I have been requested by Planning Board Chairman James Petro to write you in connection with the subject matter. The Town of New Windsor Planning Board discussed the subject application at their regular meeting on 9 October 2002. Copies of the minutes are attached.

As you know, the New Windsor Planning Board was in favor of your board acting as lead agency for the Cornwall Commons application. It is the New Windsor Planning Board's position that, as long as the project meets the applicable zoning of the Town of New Windsor, they have no objection to a proposal from the developer. As far as the potential impacts are concerned, the New Windsor Board believes that your Board is most suited to review the issues, and they request that you keep them aware of the progress of the application, and that they be sent copies of the proposed FEIS and findings.

The New Windsor Board had no other comments at this time. Feel free to contact Chairman Petro or myself if you have any questions in the interim.

Very truly yours,

TOWN OF NEW WINDSOR
PLANNING BOARD

Mark J. Edsall, P.E.

Mark J. Edsall, P.E., P.P. *EN*
Planning Board Engineer

CORNWALL COMMONS DEIS

MR. PETRO: Cornwall Commons DEIS, you know, the bulk of this application is in Cornwall, again, we have the exact count, Mark, I know there's 69 single family residences proposed for New Windsor, the other alternative in New Windsor would be a multi-family senior housing project which is allowed by your zoning so those are really the two options that they're interested in for the New Windsor portion. Relative to the Cornwall portion, it could be since that's a commercial area, there could be up to three quarters of a million or a million square foot of commercial, there would be a mixed commercial with some multi-family but what Cornwall has accepted is a Generic Draft Environmental Impact Statement so they're really looking at maximum impacts, but not necessarily specific projects, it will be almost like the Ephiphany project that you approved with a PUD which was approved and came back for individual site plan reviews. Monday night they had a public hearing on the GDEIS and they are going to need input from this board.

MR. PETRO: But I still think Cornwall is lead agency, correct?

MR. EDSALL: Yes.

MR. PETRO: I think we should let them do the review and maybe keep us informed with a letter and keep us in the loop but they're the lead agency, let them do the review. Can you pass that along?

MR. EDSALL: Clearly, the water, the sewer, the traffic all are right in their front yard as it may be, so they are going to be handling those impacts and I guess as long as you meet or they meet the New Windsor code for the New Windsor portion, fine.

MR. PETRO: So be it.

MR. LANDER: Sewer coming from New Windsor?

MR. EDSALL: No, the preferred alternative now is to serve the entire project through Cornwall Sewer

October 9, 2002

44

District 1, which is the Shore Road plant and the water rather than attempt to run the water lines up Route 9W they've already and executed a municipal agreement between New Windsor and Cornwall-on-Hudson to provide the water. I will pass that on with the same minutes.

MR. PETRO: Thank you. Motion to adjourn?

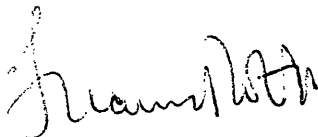
MR. ARGENIO: So moved.

MR. BRESNAN: Second it.

ROLL CALL

MR. ARGENIO	AYE
MR. BRESNAN	AYE
MR. KARNAVEZOS	AYE
MR. LANDER	AYE
MR. PETRO	AYE

Respectfully Submitted By:


Frances Roth
Stenographer
10/22/02



the LA group
Landscape Architecture
and Engineering, P.C.
40 Long Alley
Saratoga Springs
New York 12866
518 587-8100
Telefax 518 587-0180

March 26, 2002

Town of Cornwall Planning Board
Town Hall
183 Main Street
Cornwall, NY 12518

**Re: Cornwall Commons Land Development
Draft Generic Environmental Impact Statement**

Dear Chairman Novesky and Planning Board Members:

Enclosed please find eleven copies of the Draft Generic Environmental Impact Statement (DGEIS) for the Cornwall Commons Land Development project on US Route 9W, for completeness review.

We would like to be on the agenda for the next Planning Board meeting on April 9th. We would appreciate an opportunity to make a short presentation to the Board regarding the project.

Please contact John Capello of Jacobwitz and Gubits, LLP, at (845) 778-2121, Art Tully, P.E. at Lanc and Tully at (845) 294-3700 or me should you have any questions.

Thank you.

Sincerely,

Holly E. Elmer
for
The LA Group, P.C.

cc: Town of New Windsor Planning Board *10 copies*
Joe Amato, Cornwall Commons, LLC
Art Tully, Lanc and Tully
John Capello, Esq.

8172WL07.DOC

JACOBOWITZ AND GUBITS, LLP

COUNSELORS AT LAW

GERALD N. JACOBOWITZ
DAVID B. GUBITS
JOHN H. THOMAS JR.
GERALD A. LENNON
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HOWARD PROTTER
DONALD G. NICHOL
LARRY WOLINSKY
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(845) 778-2121 (845) 778-5173 FAX
E-mail: info@jacobowitz.com

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MICHAEL L. CAREY
G. BRIAN MORGAN
TODD N. ROBINSON
JONATHAN KATZ
KIRK VANTASSELL

LINDA F. MADOFF
Of Counsel

January 30, 2002

Planning Board
Town of New Windsor
Town Hall
555 Union Avenue
New Windsor, NY 12553

Re: Cornwall Commons, LLC
Our File No.: 203-123

Dear Chairman Petro and Board Members:

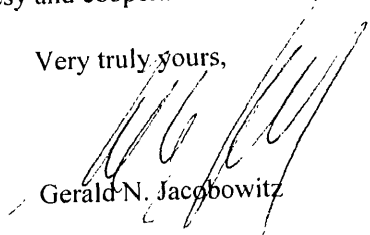
We represent Cornwall Commons, LLC. We are writing this letter on its behalf to request a place on the meeting agenda for the Planning Board following the next work session. Art Tully, P.E. is scheduling attendance at the next work session.

It is the intention to come before the Board with an updated plan for the property and a submission of the DGEIS.

We would appreciate a call to confirm the date and time we can appear.

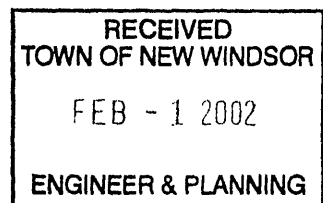
Thank you for your anticipated courtesy and cooperation.

Very truly yours,


Gerald N. Jacobowitz

GNJ:bmm
cc: Cornwall Commons, LLC
Art Tully, P.E. 2/2/02 3:00
Mark Edsall, P.E.

W:\203\123\BMM0715.WPD





REPLY TO
ATTENTION OF:

Regulatory Branch

DEPARTMENT OF THE ARMY
NEW YORK DISTRICT, CORPS OF ENGINEERS
JACOB K. JAVITS FEDERAL BUILDING
NEW YORK, N.Y. 10278-0090

SEP 25 2001

RECEIVED

TOWN OF NEW WINDSOR
TOWN CLERK'S OFFICE

cc: Supervisor
Attorney

SUBJECT: Permit Application Number 2001-00127-YS
by Kent Management Corporation

Robert G. Torgersen
Landscape Architecture and
Environmental Services
Three Main Drive
Nanuet, New York 10954

Dear Mr. Torgersen:

On November 17, 2000, the New York District Corps of Engineers received a request for a Department of the Army jurisdictional determination for the above referenced project. This request was made by Robert G. Torgersen, as consultant for Kent Management Corporation. The site consists of approximately 197.716 acres, in the Hudson River Basin, located on U.S. Route 9W in the Towns of Cornwall and New Windsor, Orange County, New York. The proposed project would involve the construction of a commercial development.

In the letter received on November 17, 2000, your office submitted a proposed delineation of the extent of waters of the United States within the subject property. A site inspection was conducted by a representative of this office on June 6, 2001, in which it was agreed that changes would be made to the delineation and that the modified delineation would be submitted to this office. On June 27, 2001, this office received the modified delineation.

Based on the material submitted and the observations of the representative of this office during the site visit, this site has been determined to contain jurisdictional waters of the United States based on: the presence of wetlands determined by the occurrence of hydrophytic vegetation, hydric soils and wetland hydrology according to criteria established in the 1987 "Corps of Engineers Wetlands Delineation Manual," Technical Report Y-87-1; and the presence of a defined water body (e.g. stream channel, lake, pond, river, etc.) which is part of a tributary system.

Based on the above, it has also been determined that the drawing entitled "Survey and Wetlands Prepared For Cornwall Commons Town of Cornwall Town of New Windsor Orange County, New York", prepared by Lanc & Tully Engineering and Surveying, P.C., dated November 7, 2000, and last revised June 11, 2001, appears to be an accurate depiction of the extent of the waters of the United States on the subject site. This drawing indicates that there are four (4) principal wetland areas on the project site.

The first wetland (Wetland "A" and Wetland "C") is located in the southeastern portion of the property and is a total of approximately 2.854 acres. The second wetland (Wetland "D") is located along the south-central property line, approximately 800 feet west of the first wetland, and is approximately 3.275 acres within the subject property. The third wetland (Wetland "E") is located near the center of the property, approximately 500 feet north of Wetland D, and is approximately 2.454 acres. The fourth wetland (Existing Watershed Area) is a linear, forested wetland, including two intermittent streams, located along the western property line, and is approximately 0.096 acres within the subject property. These wetlands are considered to be above the headwaters.

It should be noted that, in light of the recent U.S. Supreme Court decision (Solid Waste Agency of Northern Cook County v. U.S. Army Corps of Engineers, No. 99-1178, January 9, 2001), the third wetland (Wetland "E"), as described above, does not meet the current criteria of waters of the United States under Section 404 of the Clean Water Act. The Court ruled that isolated, intrastate waters can no longer be considered waters of the United States, based solely upon their use by migratory birds. The remaining wetlands on the property are part of a tributary system, and are considered to be waters of the United States, under the jurisdiction of the Corps of Engineers.

This determination regarding the delineation shall be considered valid for a period of five years from the date of this letter. Enclosed is a Notification of Administrative Appeal Options which provides information on your acceptance of this approved jurisdictional determination.

It is strongly recommended that the development of the site be carried out in such a manner as to avoid as much as possible the discharge of dredged or fill material into the delineated waters of the United States. If the activities proposed for the site involve such discharges, authorization from this office may be necessary prior to the initiation of the proposed work. The extent of such discharge of fill will determine the level of authorization that would be required.

If any questions should arise concerning this matter, please contact Brian A. Orzel, of my staff, at (212) 264-0183.

Sincerely,



George Nieves
Chief, Western Permits Section

Enclosure

cf: NYSDEC - Region 3 ✓
Town of Cornwall ✓
Town of New Windsor ✓



McGOEY, HAUSER and EDSALL
CONSULTING ENGINEERS P.C.

RICHARD D. McGOEY, P.E.
WILLIAM J. HAUSER, P.E.
MARK J. EDSALL, P.E.
JAMES M. FARR, P.E.

Licensed in NEW YORK, NEW JERSEY
and PENNSYLVANIA

- ☐ **Main Office**
45 Quassaick Ave. (Route 9W)
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(914) 562-8640
e-mail: mheny@att.net
- ☐ **Regional Office**
507 Broad Street
Milford, Pennsylvania 18337
(570) 296-2765
e-mail: mhepa@ptd.net

TOWN OF NEW WINDSOR
PLANNING BOARD
REVIEW COMMENTS

REVIEW NAME: CORNWALL COMMONS MAJOR SUBDIVISION
PROJECT LOCATION: NYS ROUTE 9W
SECTION 37 – BLOCK 1 – LOT 45.1
PROJECT NUMBER: 00-6
DATE: 22 MARCH 2000
DESCRIPTION: THE APPLICATION PROPOSES THE SUBDIVISION OF THE 52.8 +/-
ACRE PARCEL INTO SIXTY (60) SINGLE-FAMILY RESIDENTIAL
LOTS. THE PLAN WAS REVIEWED ON A CONCEPT BASIS ONLY.

1. The Planning Board should be aware that this is part of the overall project which spans the Town of Cornwall-Town of New Windsor line and was the subject of the SEQRA Lead Agency coordination discussed by the Planning Board at their 8 March 2000 Planning Board meeting. The Board should note that non-residential uses are proposed on the Cornwall “side” of the project since those lands are zoned PIO in the Town of Cornwall. More detailed information regarding the overall development will be reviewed as part of the coordinated SEQRA review with the Town of Cornwall.
2. The New Windsor property is located within the R-3 Zoning District of the Town. The “required” bulk information shown on the plans is correct for the zone and use, although the information should be expanded to include minimum livable floor area and development coverage requirements of the code.
3. The plans submitted are very conceptual in content. The plans do not include any numbering of lots, nor verification of compliance with the minimum bulk requirements for each lot. No grading or profile information is provided relative to roadway profiles and site development. As well, no “typical” house locations or driveway locations are depicted at this time. As such, I have reviewed this on a very conceptual basis only, with review limited based on the content submitted. Please note the following comments:
 - a. Utilities cross between town lines. As has been discussed previously with the Applicant, intermunicipal agreements would be necessary to address the utility services.

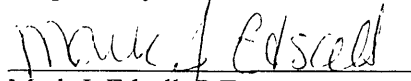
**TOWN OF NEW WINDSOR
PLANNING BOARD
REVIEW COMMENTS**

REVIEW NAME: CORNWALL COMMONS MAJOR SUBDIVISION
PROJECT LOCATION: NYS ROUTE 9W
SECTION 37 – BLOCK 1 – LOT 45.1
PROJECT NUMBER: 00-6
DATE: 22 MARCH 2000

Page Two

- b. The 60 +/- lot subdivision is served by a single-access roadway from the “loop road” in Cornwall. As has been discussed during the conceptual meeting by the Planning Board members, a second access point to the single-family subdivision, from the Cornwall roadway network, would be desirable. I strongly suggest that this second connection be provided, understanding that the location will be as appropriate once more information is available from the Cornwall Development.
 - c. It would appear that easements through single-family lots will be necessary for utility service. The Applicant’s Engineer should be aware that easements should be minimum 20’ width. Further, note that the easement areas are subtracted from the lot area. The “net” area must meet the minimum bulk requirements.
 - d. The rear of the properties to the north include a significant slope. This sloped area approximates at least a 33% slope. This will be an issue for discussion once preliminary plans are prepared.
4. At this time, I do not believe the Planning Board can take any action on this application. Significant additional information will be necessary to complete a proper review of the proposed subdivision. At this time, I believe the only action the Board can take is cooperate in the coordinated SEQRA review of the overall development.

Respectfully submitted,



Mark J. Edsall, P.E.
Planning Board Engineer

MJesh

Cwlcommon.sh



Town of New Windsor

555 Union Avenue
New Windsor, New York 12553
Telephone: (914) 563-4615
Fax: (914) 563-4693

OFFICE OF THE PLANNING BOARD

March 23, 2000

Town of Cornwall Planning Board
183 Main Street
Cornwall, NY 12518

ATTENTION: LORRAINE BENNETT,
PLANNING BOARD CHAIRWOMAN

SUBJECT: CORNWALL COMMONS, PROPERTY
TOWNS OF CORNWALL/NEW WINDSOR

Dear Ms. Bennett:

At the request of Mark Edsall, P.E., please find attached a copy of the minutes of the regular Planning Board meeting of March 8, 2000 pertinent to the Planning Board's actions regarding SEQRA Lead Agency coordination for subject project.

If you have any questions with regard to this matter, please contact our office.

Very truly yours,

Myra Mason, Secretary to the
NEW WINDSOR PLANNING BOARD

MM:mm

Cc: Mark Edsall, P.E. – P.B. Engineer

DISCUSSION:

CORNWALL COMMONS PROPERTY - CONCEPTUAL REVIEW & SEORA
DISCUSSION

Gerald Jacobowitz, Esq., appeared before the board for this discussion.

MR. JACOBOWITZ: My name is Gerald Jacobowitz, I'm an attorney in Walden and our firm represents Joe Amato, who's seated here in the front row who lives in Cornwall. Joe has been a developer in Orange County for 30 years. He's built in Monroe, Central Valley, Woodbury, Chester, Harriman and I mention that so that you, any time you want to go take a look at the kinds of things that he's done, there's plenty of it around. His office is in Highland Mills on Route 32, it's the old school house brick building on the right. Joe took that over and did a rehab, that's where his offices are today. Great job. This is the first time he's done something in New Windsor. And it's part of a larger track of land which you probably have seen something about in the newspapers. It was formally owned by NYMA. They sold it to the Fairleigh Dickinson Trust. Mr. Dickinson died and his estate then disposed of the property by sale. Mr. Amato's company, Cornwall Commons, LLC, a limited liability company, acquired the property and his intention is to develop it consistent with what the zoning is.

Now, we're just going to give you a little of the history because sometimes what you read in the paper isn't always accurate and sometimes you may miss some articles. So I think it's worthwhile just trying to bring you all up to speed on what it is that happened. Joe's concept here was to do a mixed use development and mix business uses with residential with commercial and light manufacturing on the tract. He made an application to the Town of Cornwall to change the zoning on the property in Cornwall which was zoned POI, which allows all kinds of light manufacturing offices and a host of other things, but no retail and no residential. The amendment was to ask to allow those uses as well on this property and that petition was denied by the Town Board after a two week

timeframe.

MR. PETRO: Very close to our PUD, basically, right?

MR. JACOBOWITZ: Yes. So, right now, the Cornwall property is zoned POI, which allows light manufacturing, offices, and a host of other things there, mining and carnivals and courses and it's a wide range of things that are allowed on this property. The New Windsor property and this line right here is the Town division line is zoned for residential. What he wants to accomplish here in the Town of New Windsor is to get a subdivision approval for this residential development which will be about 60 lots. What you have in front of you is a little more than a sketch plan, it's not quite a preliminary plan because it's still in formation with respect to roads, utility lines and lot configuration, but this is the thinking as of yesterday afternoon when the engineers and the planners all finished going over a previous plan. The status of SEQRA at the moment is that a draft environmental impact statement was done generic and given to the Town of Cornwall Town Board as part of the petition for the zoning change. They referred the zoning change to the planning board, the planning board then declared its intent to be the lead agency and they sent out notices and the Town of New Windsor was noticed, both the Town Board and your board and the copies of the notice and other documents were delivered here to the Town so that you got the notice that you were entitled to get. There's a 30 day period from the time that the Cornwall Planning Board declared its intent to be lead agency for everyone who has any involvement to say hey, wait a minute, we want to be lead agency. That time is up tomorrow. No one has responded yet to Cornwall Planning Board saying they want to be lead agency. You have the opportunity to be yet because your timing is good through tomorrow, if you say you want to be lead agency, then and the issue can't be resolved between the two boards, the Commissioner of the DEC makes the decision about who would be lead agency. We're hopeful that doesn't happen because we don't think there's any down side for an agency not to be lead agency. There's no down side because all the procedures have to be followed that are required, regardless of who the lead

agency is. And you folks will get a chance to make your own findings under SEQRA. You're not going to be bound by the findings that are made by Cornwall because you have action power, since you have the power to take action on this submission, you'll have the right to make your own findings and determine your own mitigation with respect to the New Windsor portion of the project. We were at the Cornwall Planning Board the other night to try to bring them up to date on where we were in view of the fact that the Town Board denied the petition to add some uses to this zone. And basically what we told them was we're ready to go forward with this property zoned just the way it is, we'll live with it the way it is and that we intend to go forward with SEQRA, we're going to be here, we're going to be before New Windsor Planning Board tonight and that our intention is to pursue the subdivision in New Windsor and the non-residential development here in the Town of Cornwall.

MR. PETRO: My question I was going to ask you that obviously, if you're going to continue, you're going to go within the uses that are permitted in Cornwall with no retail and no residential?

MR. JACOBOWITZ: Right.

MR. PETRO: So, obviously, you're going to still build the loop road that I see here and this subdivision in New Windsor would come off that which you have shown on the map and that's how this would be developed, other than into a cul-de-sac and I see part of a road going out again, see where the cul-de-sac is in New Windsor on my plan, it's showing a road exiting that--

MR. JACOBOWITZ: Right here, yes, that's another possible access for emergency vehicles or as a road depending on how the rest of this gets developed.

MR. EDSALL: Looks as if it's also an easement for utilities.

MR. JACOBOWITZ: Yes. Now, the blue line is the water and the brown line is sewer, it should be the darker dotted line I think is the sewer.

MR. PETRO: So, anyway, you're looking to do the residential permitted use in New Windsor and the balance of the property, whatever the uses are allowed in this zone for Cornwall, other than the two that I mentioned here that are omitted and you're here for lead agency?

MR. JACOBOWITZ: That's one of the things you have the right to do something about and we want to bring to your attention tonight tomorrow is your last opportunity to make a decision on that. If you do nothing, that means that Cornwall will be lead agency by virtue of their being no objection.

MR. PETRO: Mark or Mr. Jacobowitz or Andy, explain this to me, okay, if we do nothing or we pass on lead agency to Cornwall, Mark, and that would be on the entire parcel, correct, they are going to have lead agency on the entire parcel or only the parcel in Cornwall? Second part of the question when you come back in to our board for the subdivision that's in New Windsor, would we still be not lead agency on that particular parcel and they would have lead agency on the entire parcel? Are you saying the Town line has created a subdivision line and this is going to be a separate parcel the 50 acres?

MR. JACOBOWITZ: The SEQRA compliance is going to be to the entire tract, both towns, because if we try to do it otherwise, we would be segmenting the review process under SEQRA and that's something that's generally prohibited.

MR. PETRO: So then how would we review the subdivision and we would have to refer everything back to the Cornwall Planning Board?

MR. JACOBOWITZ: No, you're going to go on your own path doing everything you would normally do. The SEQRA process is going to include you when we do the, when we make changes to the EIS based on comments that are made or let's, it's not complete, we have to submit things, you're going to be kept apprised of all of that all along the way.

MR. PETRO: Only that portion of the approval process, the SEQRA process, in other words, all the other drainage and everything else that goes along with the review process that the Planning Board does would be done at this point?

MR. JACOBOWITZ: That's correct. And you're going to be doing it site specific. There's a difference, as to this property it's going to be generic because we don't know what's happening on any of this property as of now. With your property, it's site specific because we know what's going to be here, single family detached residential dwellings in a plan and a layout of subdivision that you will say yes, we're willing to approve that subdivision layout. Source is going to be site specific, this one is going to be generic, but it's all going to go forward at the same time.

MR. PETRO: Mark, what's your comments?

MR. EDSALL: I just want to get maybe a question before Jerry that he can put the answer on the record, inasmuch as there's no application made to the Planning Board in New Windsor at this time, is it or is it not still appropriate that they be asked relative to the total development of a parcel, even though they haven't received an application?

MR. JACOBOWITZ: Yes, same as DEC, DOH, DOT, they are all other agencies we have noticed because they all have approval power over some part of this project and so they're entitled to have a say about whether they want to be lead agency or not, even though we have not as of today made an application to DEC for extension of the sewer main, we haven't gone to DOH for approval of the water line, we haven't asked DOT for the highway access permits yet, but they could theoretically say we want to be lead agency on this project, they don't usually because the greater interests are the local interests, but theoretically, they could do it, you can do it even though we didn't apply for anything here yet because we have noticed you as being an involved agency because you're the only ones who have the power over this project, nobody else.

MR. PETRO: Okay, I think--

MR. EDSALL: Jim, I've got a couple of things I've got to get on the record. The second issue being inasmuch as there's a total parcel being developed, it would be inappropriate and improper to look at it individually and split the property in reviews because that would constitute segmentation under the SEQRA regulations, am I correct?

MR. JACOBOWITZ: That's our position that the intention of SEQRA is to require that an entire tract be reviewed at one time for all environmental impacts and if we try to piecemeal it and say to you look, negative dec this, okay, and then go over to DOT and say you guys negative dec the highway access and so on, that's counter to the intent of SEQRA. Because there are issues that are related here and they have to be looked at together and you can't divide it and conquer, so you have to do it that way and very important to us is the integrity of the approval. We don't want somebody to challenge it on the basis that we segmented and therefore, we didn't comply with SEQRA and we're all the way down the road and we end up with litigation over the issue of compliance.

MR. EDSALL: And one more item, Jim, just to make a clear record here, inasmuch as there's a proposal for the total parcel, inasmuch as Cornwall has circulated a lead agency coordination letter asking the question if this board doesn't respond by tomorrow, my understanding is by default under the state law Cornwall will assume the position of lead agency?

MR. PETRO: By doing nothing, it will happen.

MR. EDSALL: Am I correct?

MR. JACOBOWITZ: Yes, yes.

MR. EDSALL: My comment I think it's something that you should consider tonight, we many times send out lead agency coordination letters, if we believe that the greatest review power is this board's, you always say

well, we think we should be lead agency. In this case, the greatest development potential occurs in Cornwall and I'm sure they'll coordinate with you but I believe it's probably appropriate for the review of the overall picture that Cornwall Planning Board probably take that role. You always have the opportunity to review details and site specific when your application is received.

MR. PETRO: Something that Mr. Jacobowitz said when he first started made a lot of sense to me that whoever does the SEQRA process has to do it. So it's going to have to be done right and proper. You follow me? So by us not responding doesn't mean that something's not going to happen, they're going to still have to do it, we'll be notified, the balance of the procedure for Planning Board review is still going to be done here on our parcel of property.

MR. BABCOCK: That's correct.

MR. PETRO: I think that says it all. I really don't have anything else.

MR. EDSALL: I would think that as a courtesy to Cornwall's board as we always try to get a response back from them when they send us correspondence, if you all agree you may want to put in the record that you have no objection to them assuming lead agency position.

MR. PETRO: Can I have a motion to this effect?

MR. LANDER: So moved.

MR. ARGENIO: Second it.

MR. PETRO: Motion's been made and seconded that the New Windsor Planning Board is declaring that the New Windsor Planning Board does not have interest in being lead agency on the Cornwall Commons and if there's no further discussion from the board members, any other questions Andy? I see no problems.

MR. KRIEGER: No problems.

MR. PETRO: With that, roll call.

ROLL CALL

MR. ARGENIO	AYE
MR. BRESNAN	AYE
MR. LANDER	AYE
MR. PETRO	AYE

MR. JACOBOWITZ: Thank you for moving along on that. Let me take another few minutes, if I could, to give you some of the other information. And let me say that we'll take responsibility of making sure that there's coordination between two boards and that there's communication between the two boards so that you're kept up on whatever is happening in this whole process cause there may be times we may not be here for months while we're doing certain things, we'll see to it that everything gets copied here and that you have a full opportunity to get copies on a timely basis.

The highway access, let me show you this line right here, we do not own this piece right here. It's owned by NYMA. The road that we have shown coming in from 9W we're fairly comfortable this location is acceptable and that DOT has no problem with it. We have had preliminary discussion with them, as you know, they have had a project about doing 9W improvements that's in the works. We're trying to make sure that we don't fall afoul of whatever their thinking is there but so far, this location is okay, subject to more engineering analysis. This location over here we're not sure about at the moment, it's not a site location, a location that we thought about initially but our traffic engineer, Phil Greeley, from Collins, has been analyzing the whole situation and he's got some thinking that this location here is a good location and would work to serve the project as an additional entrance. We brought the road in here in Cornwall because it's going to serve Cornwall property, if we move that road over on the other side of the line, we'd have a public town highway running in New Windsor serving really no property in New Windsor, taxable property, everything will be on the other side in Cornwall. So that's a second reason that this road has

been located where it is over here. The sewer service for the whole property is going to be from New Windsor based on your plant and the availability of capacity for this property based on an agreement between the Town of Cornwall and the Town of New Windsor that was entered into, it's probably about eight years ago. The Majestic Sewer District in Cornwall had a contract for 1,250,000 gallons of sewage, the two boards, Cornwall and New Windsor got together and said they don't need it all, let's divide it up differently, 600,000 gallons was allocated back to New Windsor, 300,000 was allocated to Cornwall outside the Majestic District and the balance was left in the Majestic District so the sewer for this is going to come partially from the 600,000 allocation for this and partially from the 300,000 allocation for this part of the property. The sewer line is right over here and the connection will be made here to serve the New Windsor property and our best understanding at the moment it will be gravity, no pump station, it will be gravity for the entire subdivision to this point connecting over here. There will be a separate connection for sewer service to serve Cornwall into that same interceptor, we're going to keep them separate. Water is going to, is proposed at this point to come from the Village of Cornwall-on-Hudson. They have an existing arrangement with the Town of Cornwall to serve Town of Cornwall water and so this area here would be served by the Village of Cornwall-on-Hudson based on their long standing agreements to do that. The engineers have had a discussion about how to serve this property with water and the conclusion subject to more analysis is that this property should get served by Cornwall-on-Hudson Village also by contract with the Town of New Windsor District and the reason is that the lines should be looped and coming in and keeping it solely in New Windsor. There's a problem in doing that and to take the language of the engineers there'd be a traridity and a chlorine residual problem in this system if it was dead-ended, so to avoid that and to make sure there's looping through there, that was the way that they thought would solve the problem. So those policy issues are being discussed and considered because first it's a policy issue then comes planning then comes engineering. So I think everybody's fairly

comfortable that would work and would be the best way to handle the servicing of the project. As part of the SEQRA process, we're going to be doing all the other analysis that have to be done on the entire tract, including Town of New Windsor, drainage issues, the wildlife habitat issues, archeological, historical, all of those issues are going to be addressed as part of the environmental SEQRA review process. I think that pretty much summarizes everything that we had on our minds for tonight. If you have any questions, we're really more than willing to try to address them tonight. What do you think about the road layout that kind of thing?

MR. PETRO: I've got a couple things, first of all, before I get to the road layout, the topo on the piece in New Windsor looks like it's got a couple real steep areas. Are you going to be able to maintain the property grade for the roads in those areas? I might be a little ahead of myself but.

MR. AMATO: That's under consideration cause I know the piece you're talking about, there's a couple of spots.

MR. PETRO: Pretty tight there, what is it, Mark, ten percent?

MR. EDSALL: I haven't scaled it out but again, I think you're right, it's kind of ahead of the time because this is at such a very conceptual stage right now.

MR. PETRO: I just thought maybe if they looked at the way it's drawn.

MR. EDSALL: No, they're going to have to take that into consideration and work the grades out.

MR. PETRO: Second thing and again, I'm sure I'm ahead of myself, but the cul-de-sac, how many houses are on the piece in New Windsor, 50, 60 lots?

MR. JACOBOWITZ: Won't be more than 60, between 55 and 60.

MR. PETRO: I really would like to see, I know you

don't know at this time the, not to have the cul-de-sac, to have the road looped like the water line and you're certainly going to be developing this other piece of property, you have the other roadways maybe in mind when you come back for the subdivision so we can show that we can connect that and get rid of that cul-de-sac.

MR. JACOBOWITZ: There's a variation on that theme as well let me get out so you're aware of it and that would be to have a connection between this road and this road through here someplace which would then make that work better also but we're not sure yet where that could go, but that would help solve the point you're asking.

MR. PETRO: One of the reasons when you see the neck of the road coming in where before the loop starts where it breaks off the road in Cornwall up on the other side if something ever happens there, you can't get a fire truck or ambulance through in the one stretch, then you have a serious problem. You have 60 houses relying on that one piece of road being open all the time, even if you had a crash gate on the other side. So that's the reason I'm asking that if we can, by the next time we look at this, again, if you have a better idea of the road system, it would certainly help.

MR. AMATO: We're trying to be mindful of making this sort of a self-contained residential community with whatever landscaping, et cetera, so I think we'll definitely follow what you suggest. But I think we're trying to create the identity here through the main road down at the entrance that keeps this end of the property residential in nature, although we have to address the issue of emergency vehicles, et cetera, so I think that's something we'll have to address as we come to the board, work with the engineers.

MR. PETRO: The worst case scenario would be a crash gate at the end of that, but that's not that ideal situation, but it's something that's possible.

MR. AMATO: I'm trying to be somewhat sensitive to the people living there.

MR. PETRO: What type of homes, I mean, the size of the lots, looks like they're standard.

MR. AMATO: They're half acre lots.

MR. PETRO: Basically going to build 2000 square foot houses or less?

MR. AMATO: Well, we were doing between 2,000 and 2,500 on lots of this size, I'd be happy to show you one of the things.

MR. PETRO: I'm not talking upscale-upscale, but it's not low end, just moderate home in today's standards?

MR. AMATO: No, I don't think today with what's going on you're going to have--

MR. PETRO: Too low end.

MR. AMATO: Prices will be up there.

MR. JACOBOWITZ: When we get further, we'll provide you with the architectural of all this. Right now, we're not quite there.

MR. PETRO: The property itself, have you done any checking, I know this will come up later in the SEQRA process for any contamination or any waste dumps in the area?

MR. AMATO: I've done a Phase 1 Environmental Study, I've done an archeological study, I've done a wildlife and plants study on the site, we're talking about everybody and a number of other studies and the Phase 1 there was nothing in the Phase 1 to indicate there was any there not to go on to a Phase 2, I'm very sensitive to that.

MR. PETRO: One of the first things you did.

MR. AMATO: We have done all that homework and we have turned up nothing that would be a negative to what we want to propose here.

MR. PETRO: Does anybody else have any serious questions, I mean, we're way ahead of ourselves.

MR. AMATO: It's nice to know what things you're concerned about, we'll address everything, but if there's certain things you're more concerned about than others, we'll bring it to the table.

MR. PETRO: Right, thank you.

MR. JACOBOWITZ: Thank you all. In terms of getting on the agenda for meetings, what's the protocol?

MR. PETRO: This lady, contact Myra, she'll give you all the information, get the packet.

MR. JACOBOWITZ: I picked it up from Myra already, we have the application forms.

MR. PETRO: What we do here in New Windsor is we're all on the same page when you're ready to be on the agenda, you'll be on. We put you on. We don't hold you off. All you have to do is have the paperwork and fees paid and you'll be on the next agenda.

MR. EDSALL: The meetings, Jerry, are the second and fourth Wednesday. The workshops first and third Wednesday during the day.

MR. PETRO: Workshop is very important. Mark does an excellent job at workshop along with the fire inspector and building inspector.

MR. JACOBOWITZ: Get on the workshop agenda.

MR. LANDER: That's Myra.

MR. JACOBOWITZ: John Capella is here. John is with our office and he's here tonight because he and I are going to play tag team coming to the meetings, sometimes schedules don't always work and I just don't want to spring somebody on you, he shows up and you never heard of him before. So John is with our firm, he's done lot of this kind of work and he may be

March 8, 2000

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attending some of the meetings in the future. And if he gives you any lip, you let me know and I'll take care of him.

MR. PETRO: This is Cornwall School District?

MR. JACOBOWITZ: Yes.

MR. PETRO: Good luck. Motion to adjourn.

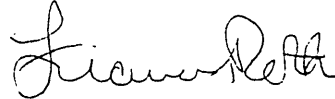
MR. ARGENIO: So moved.

MR. LANDER: Second it.

ROLL CALL

MR. ARGENIO	AYE
MR. BRESNAN	AYE
MR. LANDER	AYE
MR. PETRO	AYE

Respectfully Submitted By:



Frances Roth
Stenographer

RESULTS OF P.B. MEETING OF: March 30, 2000

PROJECT: Corwall Common Sub. P.B.# 006

LEAD AGENCY:

NEGATIVE DEC:

1. AUTHORIZE COORD LETTER: Y__ N__

M)___ S)___ VOTE: A__ N__

2. TAKE LEAD AGENCY: Y__ N__

CARRIED: YES__ NO__

M)___ S)___ VOTE: A__ N__

CARRIED: YES__ NO__

WAIVE PUBLIC HEARING: M)___ S)___ VOTE: A__ N__ WAIVED: Y__ N__

SCHEDULE P.H. Y__ N__

SEND TO O.C. PLANNING: Y__

SEND TO DEPT. OF TRANSPORTATION: Y__

REFER TO Z.B.A.: M)___ S)___ VOTE: A__ N__

RETURN TO WORK SHOP: YES__ NO__

APPROVAL:

M)___ S)___ VOTE: A__ N__ APPROVED: _____

M)___ S)___ VOTE: A__ N__ APPROVED CONDITIONALLY: _____

NEED NEW PLANS: Y__ N__

DISCUSSION/APPROVAL CONDITIONS:

<u>There been 17.00 P.B. 4/3 for L.A.</u>
<u>Exceeded from 960</u>
<u>There is at least an emergency access to commercial area</u>
<u>Proposed, since capacity from Majestic</u>

CORNWALL COMMONS, LLC SUBDIVISION (00-06)

John Cappello, Esq. appeared before the board for this proposal.

MR. PETRO: This is Route 9W and Forge Hill Road represented by the firm of Jacobowitz and I know that's not you.

MR. CAPPELLO: John Cappello with Jacobowitz & Gubits and I have Art Tully from Lanc & Tully Engineering.

MR. PETRO: This is for 60 lot residential subdivision, this is a permitted use in the zone.

MR. BABCOCK: Correct.

MR. PETRO: This plan was previously reviewed on a concept basis only and it's 52.8 acres.

MR. CAPPELLO: I don't know if you recall a couple weeks ago, Gerry Jacobowitz from our office was here and made a presentation to the board regarding our plans here in the Town of New Windsor and how to coordinate with the Town of Cornwall planning board. Since then, really what we have done is filed our formal subdivision application with the Town, paid the appropriate fees, but as far as the map goes, other than some minor revisions to connect the sewer line to make sure, make some minor revisions with the water line, there are not substantial changes to the plans. The maps you have in front of you are on 100 scale, this is the 200 scale which we'll provide to you for a little bit of ease of review, since everything will be on one page, but what you have before you is the hundred scale plan of this plan. We have been to the Town of Cornwall in a work session and I see Mrs. Bennett and some of the Town of Cornwall Planning Board members here, so this is a good start because we have a head start on coordinating the period of review but this exact same map was presented to the Town of Cornwall Planning Board at their last work session and it will be on their agenda for their April 3rd meeting for them to confirm lead agency status and initiate the SEQRA review of which you'll be an involved agency and

it will undergone a coordinated review so we can get everybody's comments on the environmental impacts, address those and then move forward with each individual community and the necessary approvals. Just to refresh you, this is Forge Hill Road, 9W about 600, 400 to 600 feet south of Forge Hill would be the entranceway into the New Windsor property. The road, both access points on the road will be in the Town of Cornwall. It is envisioned that this first one will be a right turn in right turn out only, this will be the full access to both the commercial component in Cornwall and also for people wanting to make left turns in and out to the residential component. This area right here where the road curves is the area where we want to take a lot of time to look at to make sure it's aesthetically pleasing, this will be the transition area that will kind of give a feel that you're no longer in a commercial area but you're now entering a residential community. So that's why we'll be trying to design that with that in mind to have a distinct entrance to the residential portion of this. This as planned now, will be examined on a generic basis with the Town of Cornwall for five commercial lots either for office park, warehouse or any of the uses permitted in the PIO zone in the Town of Cornwall. I have Art Tully here, Art will be commencing, has begun the initial aspect of doing the real hard engineering on both aspects of the development. I note one issue that the board raised and we received a memo from the fire department regarding an access from the cul-de-sac. We have shown a potential area here at the end of the cul-de-sac to loop in but as we go through and become a little more focused on the design with the Cornwall property, we'll be able to determine what's the best place but we'll commit that there will be at least an emergency accessway somewhere here. So this is not a dead-end cul-de-sac, there will be a way for emergency vehicles. Going to have to remember that this most likely will be a commercial office or a warehouse type use with an entranceway and a parking lot, so probably would not be that difficult to prepare some type of surface or an actual, you know, driveway roadway that would allow if this was ever blocked, allow emergency vehicles to come through this way.

MR. PETRO: I'm not trying to belittle your presentation by any stretch of the imagination, what's the real purpose for your meeting here tonight because your plan is not much further along than conceptual plan? There's nothing new for us to look at.

MR. CAPPELLO: The reason is to keep the process rolling to efficiently submit and the board had a couple weeks to chew on it and I know you get a presentation and you leave, you say doggone it, I wish I would have said this, so it's really to see if you in those two weeks, have any more comments or concerns that we can address heads up, your engineer has had a chance to look at it and any real fresh items.

MR. PETRO: He has more comments that you can take with you. You did touch upon one of them, again, the roadway, we'd like to see looped, again, you'd need to go into the Cornwall portion of the property, show us where that's going to connect somehow, not just for the fire department, but the planning board had also asked for that. I know we're not that far, again, you're saying it could come out somewhere else. I would imagine the other thing there's no topo lines, so we don't know about any of the slopes on some portion of the lots are going to be in excess of 33 percent, Mark?

MR. EDSALL: No, there's topo on here. My only comment about topo was that as the plans are developed in the future, one consideration will be how you want to handle the very back of the property which has a quite a steep slope along that one row of residential lots and it's more of an issue for their development considerations than it is any part of the municipal infrastructure.

MR. TULLY: That area is the former railroad right-of-way and in that location, the railroad is substantially lower than the property. So yeah, we'll have to take a look at that, we want to protect that embankment, in answer to your question, this is the formal submission of the sketch plan, the previous was an informal discussion. So this is where we're submitting the application and SEQRA forms, et cetera.

MR. PETRO: In reality, it's basically the same thing, just a formal application.

MR. EDSALL: Yeah, the last time they were in, they were here for purposes of responding to the Town of Cornwall.

MR. LANDER: Now, the piece that's going to be in Cornwall, is that going to be a PUD?

MR. CAPPELLO: PIO zoning district, industrial parks are permitted, office use, warehouse use.

MR. LANDER: No mixed use residential?

MR. CAPPELLO: No residential allowed or planned at this time.

MR. TULLY: The Cornwall piece on this plan is shown being subdivided into 4 lots, there would be three lots on the inside of this curve, one lot, two lots, three lots and then the balance one larger lot. I'm sorry, the fifth lot over here, sorry, and this being a proposed town road through here. It's anticipated that as the plans develop and as the property's marketed, hopefully, we'll be able to be more specific about the uses of the individual lots. But right now, we don't have any proposed use for anything in the Cornwall piece.

MR. PETRO: Andy, I have a question for you, we have 60 lots all in New Windsor, town road which will be built to specs for the Town of New Windsor and it's all emptying on a Cornwall town road, how does that come to affect, is there any problem brought up by that for either town or is there anything to even consider?

MR. KRIEGER: The only thing that you need to consider is whether the road access, doesn't matter which town it's in, whether the road access is adequate, if it has access on a New Windsor town road, regardless of where the town road goes to, whether it's all New Windsor town roads eventually go to someplace, state road, federal road, county road, another town, so but so you do have authority as far as making sure the access is

adequate, same as you would normally.

MR. LANDER: So, gentlemen, let's go back to the loop road again, we have where this loop road's going to end up is probably in the last piece of property that's going to be developed.

MR. TULLY: This here?

MR. LANDER: That big piece.

MR. PETRO: Where the cul-de-sac is.

MR. TULLY: It's in the future removed from where the most, you're right, the most likely spot.

MR. PETRO: You can still build a road.

MR. TULLY: We can also look at moving it at some point along this stretch of road as well, it doesn't necessarily have to be at the end of the cul-de-sac, I imagine if we came in someplace here with it.

MR. PETRO: As long as it's passed the point where the loop comes off, if it's passed that point, it would be looped somewhere.

MR. TULLY: So we have this whole stretch here to come through to try and tie in.

MR. LANDER: I know it's a little premature for that, but if this project is probably going to be done in phases, phase one and as many phases as it takes, I guess we were concerned about where the road would end up during those phase periods.

MR. CAPPELLO: Well, you know, as part of the SEQRA submission, introduce how we intend to build and construct and if it's phases, how each phase would be able to exist independently until the next phase is built.

MR. LANDER: Exactly, the New Windsor piece versus phase one in the Cornwall end of it.

MR. LUCAS: Town water and sewer there and whose town is it?

MR. TULLY: It's, of course, you know it's in the Town of New Windsor water is anticipated to be supplied from the Village of Cornwall, Village water main's in existence, approximately this location here and we have approached the Village about extending those water mains. They have given us conceptual approval to do that. What has to happen is intermunicipal agreement has to be formulated between the Town of Cornwall and the Village to allow the extension of the water main through and schematically we're going to be bringing it in and running it through the site and coming back over here at the same time similar to the roads, there may have to be intermunicipal agreements between the two towns to allow water to continue on into the Town of New Windsor, but the Village has agreed in concept to allow the extension of the water mains and to allow for the expansion of the water district into the Town of Cornwall.

MR. LUCAS: Sewage?

MR. TULLY: Also an existing sewer line located in the vicinity of the railroad, the old Majestic Mills basically in this area in here sewer line came out of there and ran down the railroad and then crossed the Moodna and tied into Forge Hill, Mark, someplace I think over in here?

MR. EDSALL: Crosses by Forge Hill.

MR. TULLY: There's a couple of manholes in through here and it's our proposal to collect the sewage and tie into that sewer line down in the old railroad bed.

MR. LUCAS: Cornwall's Village or Town of New Windsor?

MR. TULLY: The sewer line itself I think it's New Windsor sewer.

MR. BABCOCK: Yes.

MR. EDSALL: Yes.

MR. LUCAS: We have to worry about usage.

MR. TULLY: Right now it's plugged.

MR. LUCAS: No, no, no, I mean points or whatever.

MR. TULLY: Yeah, it's all allocation, all allocation is coming from Majestic, they're buying sewer capacity from Majestic.

MR. EDSALL: That's Majestic sewer line brings the flow over.

MR. TULLY: I think it's a 15 inch line and it's plugged at the manhole at Forge Hill.

MR. EDSALL: I believe so.

MR. LANDER: That's sufficient to take care of 60 homes?

MR. EDSALL: Yes.

MR. TULLY: Yes, I mean Mark can conform it.

MR. EDSALL: It will be part of the SEQRA review, we'll be looking at the development for the Cornwall portion and flow generated from that area will also be coming to the same line.

MR. TULLY: Ultimately, the whole project will.

MR. EDSALL: That's one of the elements of the E.I.S.

MR. PETRO: Any other questions of the planning board on new business?

MR. CAPPELLO: No, other than as you have Mrs. Bennett from the Cornwall Board here, on April third, they'll hopefully confirm lead agency status, soon thereafter environmental impact statement will be submitted to both boards, initiate the review along with more detailed plans and if the board has no other questions, I believe if we submit the plans by the workshop, then

we would be, depending on the availability--

MR. PETRO: You need more to start reviewing, Mark has to start, that's all, Mark?

MR. EDSALL: One other item just so there's no confusion early on, there's been input from the board at the previous discussion when you're responding to Cornwall for SEQRA regarding the second access to the 60 lots, the fire inspector has recommended that there be that second access, I think more on his standpoint for emergency access. And I have just recommended I think it's a good idea for this number of lots. When the applicant spoke, they talked about emergency access at minimum, I think along the way here early if you believe there should be a full use access as a second point, you should let them know so they can take that into account in their conceptual layouts.

MR. PETRO: I thought I was clear on that.

MR. ARGENTIO: I thought that's what we were talking about a full use access.

MR. CAPPELLO: That's obviously one of the reasons we're here now is to understand and hear that cause we're balancing the, you know, those concerns with the concerns trying to make this, you know, an independent residential neighborhood with its own character but we'll certainly--

MR. PETRO: I think you'll have an infrastructure on the balance of the property that it should almost take care of itself somewhere along there.

MR. TULLY: Talking about a town road that you want to have a town road connecting loop over to this road here?

MR. EDSALL: I think the intent from what I'm gathering that's why I'm bringing it up now so it's early in the discussions understood yeah a town road it would probably be a road part New Windsor and part Cornwall, which is not unique, they're all over between the two towns.

MR. TULLY: Okay.

MR. PETRO: Would anybody like to speak? I know you're from the Town of Cornwall Planning Board we also have the Town of Cornwall Supervisor, I know it's not a public hearing, but if you'd like to say something, I'd like to learn.

MRS. BENNETT: The only thing that I asked Franny was I haven't had a formal letter from you people yet saying that you were signing off to us for lead agency and I think there was a motion Mark said in last month's minutes?

MR. EDSALL: Fran advised me that the minutes are now done, so what I was going to suggest at the end of the meeting that we have the minutes available that Myra put a cover letter on them so it's a formal transmittal and we'll get them over to you.

MR. PETRO: Okay, any of the other board members have anything else to say about this project on something new? Thank you. We'll see you again.

LANC & TULLY
ENGINEERING AND SURVEYING, P.C.

cc: Supervisor
M. Edsall

January 25, 2001

RECEIVED

JAN 30 2001

Mr. Michael Babcock
Building Inspector
Town of New Windsor
555 Union Avenue
New Windsor, NY 12553

Town of New Windsor Bldg. Dept.

RE: Cornwall Commons
Tax Map Sec. 37, Block 1, Lot 45.1

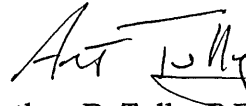
Dear Mr. Babcock:

By this letter we wish to keep you informed that our office's survey department will be rough staking roads within the Cornwall Commons property. Due to the fact that the site is densely overgrown with brush, etc., there will be construction equipment used to clear a path for our survey crews. We are doing this for confirming topographic elevations with the aerial topographies for future design purposes.

If you have any questions, please do not hesitate to contact our office.

Very truly yours,

LANC & TULLY, P.C.



Arthur R. Tully, P.E.

ART/LP/lb
cc: Mr. Joseph Amato

CornCom-nw.art

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DAVID B. GUBITS
JOHN H. THOMAS JR.
GERALD A. LENNON
PETER R. ERIKSEN
HOWARD PROTTER
DONALD G. NICHOL
LARRY WOLINSKY
ROBERT E. DINARDO
J. BENJAMIN GAILEY
MARK A. KROHN
• L.L.M. IN TAXATION

COUNSELORS AT LAW

158 ORANGE AVENUE
POST OFFICE BOX 367
WALDEN, NEW YORK 12586-0367

(914) 778-2121 (914) 778-5173 FAX
E-mail: info@jacobowitz.com

JOHN C. CAPPELLO
GEORGE W. LITHCO
MICHAEL L. CAREY
ANNA L. GEORGIU
GAIL GEISINGER KULAK

LINDA F. MADOFF
Of Counsel

March 10, 2000

Hon. James Petro, Chairman and Planning Board
Town of New Windsor
555 Union Avenue
New Windsor, New York 12553

Re: Cornwall Commons, LLC Subdivision Application
Our File No. 203-123

Dear Chairman Petro and Planning Board Member:

Enclosed please find one original and nine copies of the following documents comprising the subdivision application of Cornwall Commons, LLC:

1. Completed Planning Board Application Submittal Checklist;
2. Check in the amount of \$100. for the application fee for a major subdivision;
3. Check in the amount of \$4,800. representing escrow payment;
4. Completed Applicant/Owner Proxy Statement authorizing Jacobowitz and Gubits, LLP to act as representative and agent of Cornwall Commons, LLC;
5. Completed Planning Board Subdivision Application;
6. Completed Full Environmental Assessment Form, Part 1;
7. Proposed Subdivision Sketch Plan - Please note: This map is intended to show the conceptual layout of the lots, access roads, water and sewer lines. As the process continues, additional detail will be provided;
8. Completed Subdivision Application Checklist - this is completed to reflect the items provided on the Sketch Plan and note the items that will be provided to the Board during the review process; and

9. Based on preliminary investigation, the project is not located within a agricultural district or a flood hazard area therefore, an agricultural data statement and flood hazard area development application are not being submitted.

We respectfully request that the Board place this matter on the March 15, 2000 workshop agenda and March 22, 2000 regular meeting agenda to continue the dialogue and review of this plan.

Thank you for the consideration you have shown and we look forward to working with your Board.

Very truly yours,



John C. Cappello

cc: Mr. Joseph A. Amato
Arthur Tully, P.E.
Mr. James Martin

Town of New Windsor
555 Union Avenue
New Windsor, NY 12553
(914) 583-4811

RECEIPT
#164-2000

03/14/2000

Commons, Llc Cornwall

Received \$ 100.00 for Planning Board Fees, on 03/14/2000. Thank you for stopping by the Town Clerk's office.

As always, it is our pleasure to serve you.

Dorothy H. Hansen
Town Clerk

PB # 00-06

ck # 193

PLANNING BOARD
TOWN OF NEW WINDSOR

AS OF: 03/14/2000

PAGE: 1

LISTING OF PLANNING BOARD **FEES**
ESCROW

FOR PROJECT NUMBER: 0-6
NAME: CORNWALL COMMONS LLC - SUBDIVISION
APPLICANT:

--DATE--	DESCRIPTION-----	TRANS	--AMT-CHG	-AMT-PAID	--BAL-DUE
03/14/2000	REC. CK. #192 (60 LOTS)	PAID		4800.00	
		TOTAL:	0.00	4800.00	-4800.00





Town of New Windsor

555 Union Avenue
New Windsor, New York 12553
Telephone: (845) 563-4615
Fax: (845) 563-4693

OFFICE OF THE PLANNING BOARD

PROJECT REVIEW SHEET

TO: HIGHWAY DEPARTMENT

P.B. FILE: #00-06 DATE RECEIVED: 08-20-03

PLEASE RETURN COMPLETED FORM TO MYRA
BY: 08-25 TO BE ON AGENDA FOR THE 08-27-03 PLANNING BOARD
MEETING.

THE MAPS AND/OR PLANS FOR:

RECEIVED

AUG 21 2003

CORNWALL COMMONS

Applicant or Project Name

N.W. HIGHWAY DEPT.

SITE PLAN _____, SUBDIVISION XXX, LOT LINE CHANGE _____,
SPECIAL PERMIT _____

HAVE BEEN REVIEWED BY THE UNDERSIGNED AND ARE:

☐ APPROVED:

Notes: This plan is under review but
Preliminary Approval has been given

☐ DISAPPROVED:

Notes: _____

Signature: _____

Reviewed by _____

date _____



Town of New Windsor

555 Union Avenue
New Windsor, New York 12553
Telephone: (845) 563-4615
Fax: (845) 563-4693

OFFICE OF THE PLANNING BOARD

PROJECT REVIEW SHEET

TO: HIGHWAY DEPARTMENT

RECEIVED

JUN 30 2003

P.B. FILE #00-06

DATE RECEIVED: 06-30-03

N.W. HIGHWAY DEPT.

PLEASE RETURN COMPLETED FORM TO MYRA BY: 07-07-03

THE MAPS AND/OR PLANS FOR:

CORNWALL COMMONS SUBDIVISION

Applicant or Project Name

SITE PLAN _____, SUBDIVISION XX, LOT LINE CHANGE _____,
SPECIAL PERMIT _____

HAVE BEEN REVIEWED BY THE UNDERSIGNED AND ARE:

☐ APPROVED:

Notes: _____

☒ DISAPPROVED:

Notes: Plan unclear must be redone.
to Road dedication details must be
supplied.

Signature: [Signature] 7/9/03
Reviewed by: _____ Date



Town of New Windsor

555 Union Avenue
New Windsor, New York 12553
Telephone: (845) 563-4615
Fax: (845) 563-4693

OFFICE OF THE PLANNING BOARD

PROJECT REVIEW SHEET

TO: WATER DEPARTMENT

P.B. FILE #00-06 DATE RECEIVED: 06-30-03

PLEASE RETURN COMPLETED FORM TO MYRA BY: 07-07-03

THE MAPS AND/OR PLANS FOR:

CORNWALL COMMONS SUBDIVISION

Applicant or Project Name

SITE PLAN _____, SUBDIVISION XX, LOT LINE CHANGE _____,
SPECIAL PERMIT _____

HAVE BEEN REVIEWED BY THE UNDERSIGNED AND ARE:

☒ APPROVED:

Notes: _____

☐ DISAPPROVED:

Notes: _____

Signature: _____
Reviewed by: _____ Date: 7/1/03

INTER-OFFICE CORRESPONDENCE

TO: Town Planning Board
FROM: Thomas Lucchesi Fire Inspector
SUBJECT: Cornwall Commons Subdivision
DATE: July 7, 2003


Planning Board Reference Number: PB-00-06
Date Received: 6-30-2003
Fire Prevention Reference Number: FPS-03-29

A review of the above referenced subdivision plan was conducted on July 7, 2003, with the following being noted:

1. Town of New Windsor Code 21-12C states: hydrants must be spaced no more than 500 feet apart.

This subdivision plan is not acceptable at this time.

Plans Dated: April 21, 2003


Thomas R. Lucchesi
Asst. Fire Inspector

TRL/dh



McGOEY, HAUSER and EDSALL
CONSULTING ENGINEERS P.C.

RICHARD D. McGOEY, P.E. (NY & PA)
WILLIAM J. HAUSER, P.E. (NY & NJ)
MARK J. EDSALL, P.E. (NY, NJ & PA)
JAMES M. FARR, P.E. (NY & PA)

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☐ **Regional Office**
507 Broad Street
Milford, Pennsylvania 18337
(570) 296-2765
e-mail: mhepa@mhepc.com

Writer's E-mail Address:
mje@mhepc.com

PLANNING BOARD WORK SESSION
RECORD OF APPEARANCE

TOWN / VILLAGE OF: New Windsor **P/B APP. NO.:** 00 - 06

WORK SESSION DATE: 18 June 03 **PROJECT:** NEW OLD X

REAPPEARANCE AT W/S REQUESTED: later **RESUB. REQ'D:**

PROJECT NAME: Cornwall Commons

REPRESENTATIVES PRESENT: Lorraine (1st)

MUNICIPAL REPS PRESENT:	BLDG INSP.	<u> </u>	FIRE INSP.	<u>Fresh</u>
	ENGINEER	<u>X</u>	PLANNER	<u> </u>
	P/B CHMN	<u> </u>	OTHER	<u> </u>

ITEMS DISCUSSED:

- north road MUST be ded to 1/4
- Traffic issue - Cornwall Q?
 moona hills left in row
- Phil => DOT.
 P/H 7/9 want better
- poss need to separate the Pet flows.
- Main/Academy signal.
* advise GM - Monitor in doesn't
 apply to the residences - whose work
 are they 1/4 a work -
- create Util plan for water
 serve
 store.

STND CHECKLIST:

DRAINAGE

DUMPSTER

SCREENING

LIGHTING

(Streetlights)

LANDSCAPING

BLACKTOP

ROADWAYS

APPROVAL BOX

PROJECT STATUS:

ZBA Referral: X N

Ready For Meeting X Y N

Recommended Mtg Date P/H 8/9

PROJECT
TYPE

SITE PLAN

SPEC PERMIT

L L CHG.

SUBDIVISION

OTHER



Town of New Windsor

555 Union Avenue
New Windsor, New York 12553
Telephone: (845) 563-4615
Fax: (845) 563-4693

OFFICE OF THE PLANNING BOARD

PROJECT REVIEW SHEET

TO: HIGHWAY DEPARTMENT

RECEIVED

APR 28 2003

P.B. FILE #00-06 DATE RECEIVED: 04-28-2003 N.W. HIGHWAY DEPT.

PLEASE RETURN COMPLETED FORM TO MYRA BY: 05-09-03

THE MAPS AND/OR PLANS FOR:

CORNWALL COMMONS

Applicant or Project Name

SITE PLAN _____, SUBDIVISION XX, LOT LINE CHANGE _____,
SPECIAL PERMIT _____

HAVE BEEN REVIEWED BY THE UNDERSIGNED AND ARE:

☐ APPROVED:

Notes: _____

☒ DISAPPROVED:

Notes: From the ^{NORTH} ~~east~~ entrance all the way through the first intersection must
be a Town road so that this Department has access to our roads.
¹
of New Windsor

Signature: Cherry J. Kroll 5/14/02
Reviewed by: _____ Date



McGOEY, HAUSER and EDSALL
CONSULTING ENGINEERS P.C.

RICHARD D. McGOEY, P.E. (NY & PA)

WILLIAM J. HAUSER, P.E. (NY & NJ)

MARK J. EDSALL, P.E. (NY, NJ & PA)

JAMES M. FARR, P.E. (NY & PA)

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e-mail: mheny@mhepc.com

☐ **Regional Office**
507 Broad Street
Milford, Pennsylvania 18337
(570) 296-2765
e-mail: mhepa@mhepc.com

Writer's E-mail Address:
mje@mhepc.com

PLANNING BOARD WORK SESSION
RECORD OF APPEARANCE

TOWN / VILLAGE OF: New Windsor P/B APP. NO.: 00 .06

WORK SESSION DATE: 7 MAY 03 PROJECT: NEW OLD x

REAPPEARANCE AT W/S REQUESTED: No RESUB. REQ'D: _____

PROJECT NAME: Cornwall Commons

REPRESENTATIVES PRESENT: John C / Art T / Lorraine

MUNICIPAL REPS PRESENT:

BLDG INSP.	_____	FIRE INSP.	<u>B.I. ②</u>
ENGINEER	<u>X</u>	PLANNER	_____
P/B CHMN	_____	OTHER	_____

ITEMS DISCUSSED: _____

STND CHECKLIST:

PROJECT
TYPE

DRAINAGE _____

SITE PLAN

DUMPSTER _____

SPEC PERMIT

SCREENING _____

L L CHG.

LIGHTING _____

(Streetlights)

SUBDIVISION

LANDSCAPING _____

OTHER

BLACKTOP _____

ROADWAYS _____

APPROVAL BOX _____

PROJECT STATUS:

ZBA Referral: _____ Y _____ N

Ready For Meeting X Y _____ N

Recommended Mtg Date 5/14 Plot auth

Sewer - all improvements are owned by
Cornwall & maintained by Cornwall
Cornwall bills direct to % customer

Water same by VCON

drainage district

Plot on for request
OK P/H 5/14



Town of New Windsor

555 Union Avenue
New Windsor, New York 12553
Telephone: (845) 563-4615
Fax: (845) 563-4693

OFFICE OF THE PLANNING BOARD

PROJECT REVIEW SHEET

TO: **WATER DEPARTMENT**

P.B. FILE #00-06 DATE RECEIVED: 04-28-2003

PLEASE RETURN COMPLETED FORM TO MYRA BY: 05-09-03

THE MAPS AND/OR PLANS FOR:

CORNWALL COMMONS

Applicant or Project Name

SITE PLAN _____, SUBDIVISION XX, LOT LINE CHANGE _____,
SPECIAL PERMIT _____

HAVE BEEN REVIEWED BY THE UNDERSIGNED AND ARE:

☒ **APPROVED:**

Notes: Water available - Check with Engineers office

☐ **DISAPPROVED:**

Notes: _____

Signature: Steve D. D. D. 4-28-03
Reviewed by: _____ Date

INTER-OFFICE CORRESPONDENCE

TO: Town Planning Board
FROM: Town Fire Inspector
SUBJECT: Cornwall Commons
DATE: 28 April 2003

Planning Board Reference Number: PB-00-06

Dated: 28 April 2003

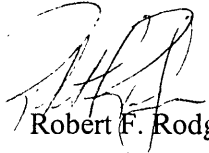
Fire Prevention Reference Number: FPS-03-17

A review of the above referenced subdivision plan was conducted on 28 April 2003, with the following being noted:

1. Have been unable to locate any fire hydrants on the water main line. Hydrants, by local law, Section 21-12C are required every 500 feet along the water main line.
2. Please explain the reason there are two (2) different water main sizes, 8 and 12 inches.
3. Can fire flow calculation be made to determine what water main pressures will be available. Local fire prevention law requires an Insurance Service Office (ISO) Class "A" rating.
4. Road names needed for all roadways in the Town of New Windsor.

This subdivision plan is not acceptable at this time.

Plans Dated: 21 April 2003


Robert F. Rodgers



McGOEY, HAUSER and EDSALL
CONSULTING ENGINEERS P.C.

RICHARD D. McGOEY, P.E. (NY & PA)
WILLIAM J. HAUSER, P.E. (NY & NJ)
MARK J. EDSALL, P.E. (NY, NJ & PA)
JAMES M. FARR, P.E. (NY & PA)

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e-mail: mheny@att.net

☐ **Regional Office**
507 Broad Street
Milford, Pennsylvania 18337
(570) 296-2765
e-mail: mhpa@ptd.net

PLANNING BOARD WORK SESSION
RECORD OF APPEARANCE

TOWN/VILLAGE OF: New Windsor P/B APP. NO.: 00-6
WORK SESSION DATE: 21 Feb 02 PROJECT: NEW 42 OLD X
REAPPEARANCE AT W/S REQUESTED: Later RESUB. REQ'D: GDEIS
PROJECT NAME: Cornwall Commons
REPRESENTATIVES PRESENT: Art T. / Joe A. / John C.
MUNICIPAL REPS PRESENT: BLDG INSP. _____ FIRE INSP. BL
ENGINEER X PLANNER _____
P/B CHMN _____ OTHER _____

ITEMS DISCUSSED:

- EIS -

W/ max 69 lots

- comment re app in before zoning change

-

Likely 1st meeting in Mar.
for submittal of GDEIS

no need to get this in prior to meeting.

STND CHECKLIST:

DRAINAGE

DUMPSTER

SCREENING

LIGHTING
(Streetlights)

LANDSCAPING

BLACKTOP

ROADWAYS

INTER-OFFICE MEMORANDUM

TO: New Windsor Planning Board

FROM: Town Fire Inspector

DATE: March 21, 2000

SUBJECT: Cornwall Commons

Planning Board Reference Number: PB-00-6

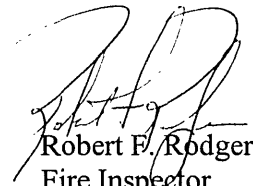
Dated: 16 March 2000

Fire Prevention Reference Number: FPS-00-009

A review of the above referenced subject conceptual plan was conducted on 21 March 2000.

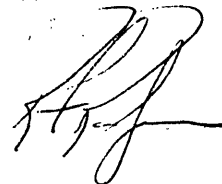
I approve of the conceptual concept of the project, however, I believe there should be a secondary roadway for access to the R-3 homes in New Windsor, this could be achieved off the Cul-De-Sac or another location in that area.

Please provide this office with revised plans when received.


Robert F. Rodgers
Fire Inspector

RFR/dh

21, 2000



555 UNION AVENUE
NEW WINDSOR, NEW YORK 12553
Telephone: (914) 563-4615
Fax: (914) 563-4693

(PLEASE DO NOT COPY 1 & 2 AS ONE PAGE TWO-SIDED)

9. Is this property within an Agricultural District containing a farm operation or within 500 feet of a farm operation located in an Agricultural District? Yes _____ No x

*This information can be verified in the Assessor's Office.

*If you answer yes to question 9, please complete the attached Agricultural Data Statement.

10. Description of Project: (Use, Size, Number of Lots, etc.) Approximately 60 single family residential lots.

11. Has the Zoning Board of Appeals Granted any Variances for this property? yes _____ no x

12. Has a Special Permit previously been granted for this property? yes _____ no x

ACKNOWLEDGMENT:

IF THIS ACKNOWLEDGMENT IS COMPLETED BY ANYONE OTHER THAN THE PROPERTY OWNER, A SEPARATE NOTARIZED STATEMENT OR PROXY STATEMENT FROM THE OWNER MUST BE SUBMITTED, AT THE TIME OF APPLICATION, AUTHORIZING THIS APPLICATION.

STATE OF NEW YORK)

SS.:

COUNTY OF ORANGE)

THE UNDERSIGNED APPLICANT, BEING DULY SWORN, DEPOSES AND STATES THAT THE INFORMATION, STATEMENTS AND REPRESENTATIONS CONTAINED IN THIS APPLICATION AND SUPPORTING DOCUMENTS AND DRAWINGS ARE TRUE AND ACCURATE TO THE BEST OF HIS/HER KNOWLEDGE AND/OR BELIEF. THE APPLICANT FURTHER ACKNOWLEDGES RESPONSIBILITY TO THE TOWN FOR ALL FEES AND COSTS ASSOCIATED WITH THE REVIEW OF THIS APPLICATION.

SWORN BEFORE ME THIS:

10th DAY OF March 2000

John C. Cappello
APPLICANT'S SIGNATURE

Patricia Amendolagine

NOTARY PUBLIC

PATRICIA AMENDOLAGINE
Notary Public, State of New York
County of Orange

John C. Cappello, Esq.
Jacobowitz and Gubits, LLP, as agent
Please Print Applicant's Name as Signed

TOWN USE ONLY
Commission Expires August 4, 2001

RECEIVED

MAR 16 2000

DATE APPLICATION RECEIVED

00-6

APPLICATION NUMBER

APPLICANT/OWNER PROXY STATEMENT
(for professional representation)

for submittal to the:
TOWN OF NEW WINDSOR PLANNING BOARD

Cornwall Commons, LLC - Joseph Amato, deposes and says that he resides
(OWNER) President

at Woodbury Professional Bldg., Highland Mills in the County of Orange
(OWNER'S ADDRESS) New York 10930

and State of New York and that he is the owner of property tax map

(Sec. 9 Block 1 Lot 25.2) = (Town of Cornwall)
designation number (Sec. 37 Block 1 Lot 45.1) which is the premises described in

the foregoing application and that he authorizes:

(Applicant Name & Address, if different from owner)

Lanc & Tully Engineering and Surveying, P.C.

(Name & Address of Professional Representative of Owner and/or Applicant)

to make the foregoing application as described therein.

Date:

6.10.03.

Jim Lorenzen
Witness' Signature

Cornwall Commons LLC.
By [Signature]
Owner's Signature
Joseph Amato
Ministry of
Applicant's Signature if different than owner

Representative's Signature

**THIS FORM CANNOT BE WITNESSED BY THE PERSON OR
REPRESENTATIVE OF THE COMPANY WHO IS BEING AUTHORIZED TO
REPRESENT THE APPLICANT AND/OR OWNER AT THE MEETINGS.**

APPLICANT/OWNER PROXY STATEMENT
(for professional representation)

for submittal to the:
TOWN OF NEW WINDSOR PLANNING BOARD

Joseph A. Amato, Managing Member, on behalf of
Cornwall Commons, LLC

_____, deposes and says that ^{it}~~he~~ resides
(OWNER)

at 515 Route 32, Highland Mills _____ in the County of Orange
(OWNER'S ADDRESS)

and State of New York _____ and that ^{it}~~he~~ is the owner of property tax map

(Sec. 37 Block 1 Lot 45.1)
designation number (Sec. _____ Block _____ Lot _____) which is the premises described in
the foregoing application and that ^{it}~~he~~ authorizes:

(Applicant Name & Address, if different from owner)

Jacobowitz and Gubits, LLP, P.O. Box 367, Walden, NY, 12586
(Name & Address of Professional Representative of Owner and/or Applicant)

to make the foregoing application as described therein.

Date: 3/9/2000

Mildred LaFarge
Witness' Signature

Cornwall Commons, LLC by
Owner's Signature

[Signature]
Applicant's Signature if different than owner
Joseph A. Amato, Managing Member

Representative's Signature

**THIS FORM CANNOT BE WITNESSED BY THE PERSON OR
REPRESENTATIVE OF THE COMPANY WHO IS BEING AUTHORIZED TO
REPRESENT THE APPLICANT AND/OR OWNER AT THE MEETINGS.**

Appendix A

State Environmental Quality Review FULL ENVIRONMENTAL ASSESSMENT FORM

Purpose: The full EAF is designed to help applicants and agencies determine, in an orderly manner, whether a project or action may be significant. The question of whether an action may be significant is not always easy to answer. Frequently, there are aspects of a project that are subjective or unmeasurable. It is also understood that those who determine significance may have little or no formal knowledge of the environment or may be technically expert in environmental analysis. In addition, many who have knowledge in one particular area may not be aware of the broader concerns affecting the question of significance. The full EAF is intended to provide a method whereby applicants and agencies can be assured that the determination process has been orderly, comprehensive in nature, yet flexible to allow introduction of information to fit a project or action.

Full EAF Components: The full EAF is comprised of three parts:

- Part 1:** Provides objective data and information about a given project and its site. By identifying basic project data, it assists a reviewer in the analysis that takes place in Parts 2 and 3.
- Part 2:** Focuses on identifying the range of possible impacts that may occur from a project or action. It provides guidance as to whether an impact is likely to be considered small to moderate or whether it is a potentially large impact. The form also identifies whether an impact can be mitigated or reduced.
- Part 3:** If any impact in Part 2 is identified as potentially-large, then Part 3 is used to evaluate whether or not the impact is actually important.

DETERMINATION OF SIGNIFICANCE - Type 1 and Unlisted Actions

Identify the Portions of EAF completed for this project: ☒ Part 1 ☐ Part 2 ☐ Part 3

Upon review of the information recorded on this EAF (Parts 1 and 2 and 3 if appropriate), and any other supporting information, and considering both the magnitude and importance of each impact, it is reasonably determined by the lead agency that:

- ☐ A. The project will not result in any large and important impact(s) and, therefore, is one which will not have a significant impact on the environment, therefore a **negative declaration will be prepared.**
- ☐ B. Although the project could have a significant effect on the environment, there will not be a significant effect for this Unlisted Action because the mitigation measures described in PART 3 have been required, therefore a **CONDITIONED negative declaration will be prepared.***
- ☐ C. The project may result in one or more large and important impacts that may have a significant impact on the environment, therefore a **positive declaration will be prepared.**

*A Conditioned Negative Declaration is only valid for Unlisted Actions

Cornwall Commons L.L.C. Proposed 60± Lot Subdivision

Name of Action

Town of New Windsor Planning Board

Name of Lead Agency

James Petro

Print or Type Name of Responsible Officer
in Lead Agency

Planning Board Chair

Title of Responsible Officer

Signature of Responsible Officer in Lead Agency

Signature of Preparer (if different from
responsible officer)

March 13, 2000

Date

PART 1 - PROJECT INFORMATION

Prepared by Project Sponsor

NOTICE: This document is designed to assist in determining whether the action proposed may have a significant effect on the environment. Please complete the entire form, Parts A through E. Answers to these questions will be considered as part of the application for approval and may be subject to further verification and public review. Provide any additional information you believe will be needed to complete Parts 2 and 3.

It is expected that completion of the full EAF will be dependent on information currently available and will not involve new studies, research or investigation. If information requiring such additional work is available, so indicate and specify each instance.

NAME OF ACTION Cornwall Commons L.L.C. 60± Lot Subdivision		
LOCATION OF ACTION (Include Street Address, Municipality and County) US Route 9W Town of New Windsor, Orange County		
NAME OF APPLICANT/SPONSOR Cornwall Commons, LLC, Attn: Joseph Amato		BUSINESS TELEPHONE (914) 928-9121
ADDRESS 615 Route 32 PO Box 503		
CITY/PO Highland Mills	STATE NY	ZIP CODE 10930
NAME OF OWNER (if different)		BUSINESS TELEPHONE ()
ADDRESS		
CITY/PO	STATE	ZIP CODE
DESCRIPTION OF ACTION The proposal includes the subdivision of 45.7 acres in the Town of New Windsor into 60± residential lots. The project will utilize existing municipal water and sewer services that have capacity to serve the project. An extension of the water service area in Cornwall will be required to bring municipal water to the project site. An extension of the Village of Cornwall-on-Hudson sewer district will be needed as well. Access will be from Route 9W. Planned roadways will be built by the developer and will be owned and maintained by the town. Stormwater will be managed on-site.		

Please Complete Each Question - Indicate N.A. if not applicable

A. Site Description

Physical setting of overall project, both developed and undeveloped areas.

1. Present land use: ☐ Urban ☐ Industrial ☐ Commercial ☐ Residential (suburban) ☐ Rural (non-farm)
☒ Forest ☐ Agriculture ☐ Other _____

2. Total acreage of project area: _____ 45.7 _____ acres.		
APPROXIMATE ACREAGE	PRESENTLY	AFTER COMPLETION
Meadow or Brushland (Non-agricultural)	6 _____ acres	2 _____ acres
Forested	39.7 _____ acres	13 _____ acres
Agricultural (includes orchards, cropland, pasture, etc.)	_____ acres	_____ acres
Wetland (Freshwater or tidal as per Articles 24, 25 of ECL) (NWI Mapping)	_____ acres	_____ acres
Water Surface Area	_____ acres	_____ acres
Unvegetated (Rock, earth or fill)	_____ acres	_____ acres
Roads, buildings and other paved surfaces	_____ acres	6.0 _____ acres
Other (Indicate type) _____ lawns, landscaping	_____ acres	24.7 _____ acres

3. What is predominant soil type(s) on project site? Mardin gravelly silt loam
a. Soil drainage: ☒ Well drained 20% of site ☒ Moderately well drained 70% of site
☒ Poorly drained 10% of site
b. If any agricultural land is involved, how many acres of soil are classified within soil group 1 through 4 of the NYS Land Classification System? N/A acres.
4. Are there bedrock outcroppings on project site? ☒ Yes ☐ No
a. What is depth to bedrock? 8 (in feet)
5. Approximate percentage of proposed project site with slopes: ☒ 0-10% 70% ☒ 10-15% 23%
☒ 15% or greater 7%
6. Is project substantially contiguous to, or contain a building site, or district, listed on the State or the National Registers of Historic Places? ☐ Yes ☒ No
7. Is project substantially contiguous to a site listed on the Register of National Natural Landmarks? ☐ Yes ☒ No
8. What is the depth of the water table? 2± (in feet) to seasonal high water table
9. Is site located over a primary, principal, or sole aquifer? ☐ Yes ☒ No
10. Do hunting, fishing or shell fishing opportunities presently exist in the project area? ☒ Yes ☐ No
11. Does project site contain any species of plant or animal life that is identified as threatened or endangered?
☐ Yes ☒ No According to DEC NYNHP, FWS, LA Group Biologist Dr. Futyma (see attached letters)
Identify each species _____
12. Are there any unique or unusual land forms on the project site? (i.e., cliffs, dunes, other geological formations)
☐ Yes ☒ No Describe _____

13. Is the project site presently used by the community or neighborhood as an open space or recreation area?
☐ Yes ☒ No If yes, explain _____
14. Does the present site include scenic views known to be important to the community?
☐ Yes ☒ No
15. Streams within or contiguous to project area: There are no permanent streams on the site.
a. Name of Stream and name of River to which it is tributary: Moodna Creek is off the site, approximately 400 feet away, and is tributary to the Hudson River.

16. Lakes, ponds, wetland areas within or contiguous to project area: None
a. Name _____ b. Size (In acres) _____
17. Is the site served by existing public utilities? ☒ Yes ☐ No
a) If yes, does sufficient capacity exist to allow connection? ☒ Yes ☐ No
b) If yes, will improvements be necessary to allow connection? ☒ Yes ☐ No Both town sewer and village water districts need to be extended.
18. Is the site located in an agricultural district certified pursuant to Agriculture and Markets Law, Article 25-AA, Section 303 and 304? ☐ Yes ☒ No
19. Is the site located in or substantially contiguous to a Critical Environmental Area designated pursuant to Article 8 of the ECL, and 6 NYCRR 617? ☐ Yes ☒ No
20. Has the site ever been used for the disposal of solid or hazardous wastes? ☐ Yes ☒ No

B. PROJECT DESCRIPTION

1. Physical dimensions and scale of project (fill in dimensions as appropriate)
 - a. Total contiguous acreage owned or controlled by project sponsor 45.7 acres.
 - b. Project acreage to be developed: 30.7 acres initially; 30.7 acres ultimately.
 - c. Project acreage to remain undeveloped 15 acres.
 - d. Length of project, in miles: N/A (if appropriate)
 - e. If the project is an expansion, indicate percent of expansion proposed N/A %;
 - f. Number of off-street parking spaces existing 0; proposed 120.
 - g. Maximum vehicular trips generated per hour 60± (upon completion of project)?
 - h. If residential: Number and type of housing units: 60± single family homes per 4th edition ITE Trip Generation

	One Family	Two Family	Multiple Family	Condominium
Initially	<u>60±</u>	<u> </u>	<u> </u>	<u> </u>
Ultimately	<u>60±</u>	<u> </u>	<u> </u>	<u> </u>

 - i. Dimensions (in feet) of largest proposed structure 35 height; 26± width; 38± length.
 - j. Linear feet of frontage along a public thoroughfare project will occupy is? 820 ft.
2. How much natural material (i.e., rock, earth, etc) will be removed from the site? 0 tons/cubic yards
3. Will disturbed areas be reclaimed? ☒ Yes ☐ No ☐ NA
 - a. If yes, for what intended purpose is the site being reclaimed? Lawns, landscaping
 - b. Will topsoil be stockpiled for reclamation? ☒ Yes ☐ No
 - c. Will upper subsoil be stockpiled for reclamation? ☒ Yes ☐ No
4. How many acres of vegetation (trees, shrubs, ground covers) will be removed from site? 30.7 acres.
5. Will any mature forest (over 100 years old) or other locally-important vegetation be removed by this project?
☐ Yes ☒ No
6. If single phase project: Anticipated period of construction N/A months, (including demolition).
7. If multi-phased:
 - a. Total number of phases anticipated 3 (number).
 - b. Anticipated date of commencement Phase 1 Fall month 2000 year, (including demolition).
 - c. Approximate completion date of final phase Fall month 2007 year.
 - d. Is Phase 1 functionally dependent on subsequent phases? Yes X No
8. Will blasting occur during construction? ☐ Yes ☒ No
9. Number of jobs generated: during construction 50; after project is complete 0
10. Number of jobs eliminated by this project 0.
11. Will project require relocation of any projects or facilities? ☐ Yes ☒ No
If yes explain
12. Is surface liquid waste disposal involved? ☐ Yes ☒ No
 - a. If yes, indicate type of waste (sewage, industrial, etc.) and amount
 - b. Name of water body into which effluent will be discharged
13. Is subsurface liquid waste disposal involved? ☐ Yes ☒ No Type

14. Will surface area of an existing water body increase or decrease by proposal? ☐ Yes ☒ No
Explain _____
15. Is project or any portion of project located in a 100 year flood plain? ☐ Yes ☒ No
16. Will the project generate solid waste? ☒ Yes ☐ No
a. If yes, what is the amount per month 10 tons.
b. If yes, will an existing solid waste facility be used? ☒ Yes ☐ No
c. If yes, give name Orange County Transfer Station ; location Route 17K in Newburgh
d. Will any wastes **not go** into a sewage disposal system or into a sanitary landfill? ☒ Yes ☐ No
e. If yes, explain Recyclables will be removed from the waste stream.
17. Will the project involve the disposal of solid waste? ☐ Yes ☒ No
a. If yes, what is the anticipated rate of disposal? _____ tons/month.
b. If yes, what is the anticipated site life? _____ years.
18. Will project use herbicides or pesticides? ☐ Yes ☒ No
19. Will project routinely produce odors (more than one hour per day)? ☐ Yes ☒ No
20. Will project produce operating noise exceeding the local ambient noise levels? ☐ Yes ☒ No
21. Will project result in an increase in energy use? ☒ Yes ☐ No
If yes, indicate type(s) electricity, gas
22. If water supply is from wells, indicate pumping capacity N/A
23. Total anticipated water usage per day 21,600 gallons/day.
24. Does project involve Local, State or Federal funding? ☐ Yes ☒ No
If Yes, explain _____
25. Approvals Required:

	Type	Submittal Date
City, Town, Village Board	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <u>Town Board and Village Board-Extend Water and Sewer Districts</u>	<u>5/00</u>
City, Town, Village Planning Board and Town Board	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <u>Subdivision and Site Plan Development Approval</u>	<u>3/00</u>
City, Town Zoning Board	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No _____	_____
City, County Health Department	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <u>Plan Approval – Water and Sewer</u>	<u>5/00</u>
	<u>Town of Cornwall Sewer District Extension.</u>	<u>5/00</u>
	<u>Village of Cornwall-on-Hudson Water District Extension</u>	<u>5/00</u>
Other Local Agencies	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No _____	_____
Other Regional Agencies	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <u>Orange Co. Planning Dept. – Advisory Opinion</u>	<u>3/00</u>
State Agencies	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <u>DEC SPDES for Const. Activity, DOT Curb Cut Permit</u>	<u>5/00</u>
	<u>Coastal Zone Management conformance</u>	<u>3/00</u>
	<u>DEC Water and Sewer District Extensions</u>	_____
Federal Agencies	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No _____	<u>5/00</u>

C. ZONING AND PLANNING INFORMATION

1. Does proposed action involve a planning or zoning decision? ☒ Yes ☐ No
If Yes, indicate decision required:
☐ zoning amendment ☐ zoning variance ☐ special use permit ☒ subdivision ☒ site plan
☐ new/revision of master plan ☐ resource management plan ☐ other _____
2. What is the zoning classification(s) of the site? R-3 Suburban Residential
3. What is the maximum potential development of the site if developed as permitted by the present zoning?
84± Single Family Lots
4. What is the proposed zoning of the site? No change.
5. What is the maximum potential development of the site if developed as permitted by the proposed zoning?
No change.
6. Is the proposed action consistent with the recommended uses in adopted local land use plans? ☒ Yes ☐ No
7. What are the predominant land use(s) and zoning classifications within a ¼ mile radius of proposed action?
Commercial, Residential, Highway Commercial and Residential
8. Is the proposed action compatible with adjoining/surrounding land uses within a ¼ mile? ☒ Yes ☐ No
9. If the proposed action is the subdivision of land, how many lots are proposed? 60± lot subdivision
a. What is the minimum lot size proposed? 21,780 square feet
10. Will proposed action require any authorization(s) for the formation of sewer or water districts? ☒ Yes ☐ No
11. Will the proposed action create a demand for any community provided services (recreation, education, police, fire protection)? ☒ Yes ☐ No
a. If yes, is existing capacity sufficient to handle projected demand? ☒ Yes ☐ No
12. Will the proposed action result in the generation of traffic significantly above present levels? ☐ Yes ☒ No
a. If yes, is the existing road network adequate to handle the additional traffic? ☐ Yes ☐ No

D. Informational Details

Attach any additional information as may be needed to clarify your project. If there are or may be any adverse impacts associated with your proposal, please discuss such impacts and the measures which you propose to mitigate or avoid them.

E. Verification

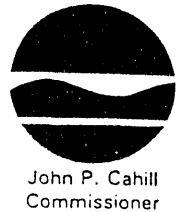
I certify that the information provided above is true to the best of my knowledge.

Applicant/Sponsor Name _____ Date 3/13/2000

Signature  Title _____

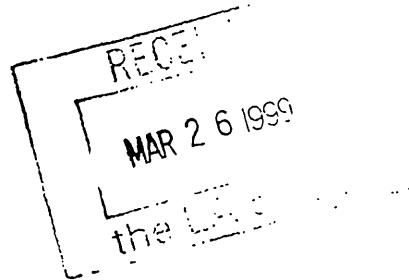
If the action is in the Coastal Area, and you are a state agency, complete the Coastal Assessment Form before proceeding with this assessment.

New York State Department of Environmental Conservation
Division of Fish, Wildlife & Marine Resources
Wildlife Resources Center - New York Natural Heritage Program
700 Troy-Schenectady Road, Latham, New York 12110-2400
Phone: (518) 783-3932 FAX: (518) 783-3916



March 25, 1999

Richard P. Futyma
the LA Group
40 Long Alley
Saratoga Springs, NY 12866



Dear Mr. Futyma:

We have reviewed the New York Natural Heritage Program files with respect to your recent request for biological information concerning the proposed 196 acre Cornwall Commons site, area as indicated on your enclosed map, located in the Towns of Cornwall and New Windsor, Orange County.

Enclosed is a computer printout covering the area you requested to be reviewed by our staff. The information contained in this report is considered sensitive and may not be released to the public without permission from the New York Natural Heritage Program.

Our files are continually growing as new habitats and occurrences of rare species and communities are discovered. In most cases, site-specific or comprehensive surveys for plant and animal occurrences have not been conducted. For these reasons, we can only provide data which have been assembled from our files. We cannot provide a definitive statement on the presence or absence of species, habitats or natural communities. This information should not be substituted for on-site surveys that may be required for environmental assessment.

This response applies only to known occurrences of rare animals, plants, natural communities, and/or significant wildlife habitats. Please contact the appropriate NYS DEC Regional Office, Division of Environmental Permits, at the address enclosed for information regarding any regulated areas or permits that may be required (e.g., regulated wetlands) under State Law.

If this proposed project is still active one year from now we recommend that you contact us again so that we may update this response.

Sincerely,

Teresa Mackey
Teresa Mackey, Information Services
NY Natural Heritage Program

Encs

cc: Reg. 3, Wildlife Mgr.
Reg. 3, Fisheries Mgr.



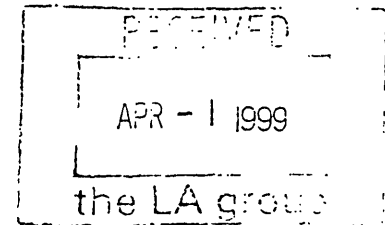
United States Department of the Interior

FISH AND WILDLIFE SERVICE

3817 Luker Road
Cortland, NY 13045



March 30, 1999



Dr. Richard Futyma
the LA group, P.C.
40 Long Alley
Saratoga Springs, NY 12866

Dear Dr. Futyma:

This responds to your letter of March 12, 1999, requesting information on the presence of Federally listed or proposed endangered or threatened species in the vicinity of a 196-acre site, Cornwall Commons, off Route 9W in the Towns of Cornwall and New Windsor, Orange County, New York. This information will be used in the preparation of a draft generic environmental impact statement for the planned development proposed for the site.

Except for occasional transient individuals, no Federally listed or proposed endangered or threatened species under our jurisdiction are known to exist in the project impact area. Therefore, no Biological Assessment or further Section 7 consultation under the Endangered Species Act (87 Stat. 884, as amended; 16 U.S.C. 1531 et seq.) is required with the U.S. Fish and Wildlife Service (Service). Should project plans change, or if additional information on listed or proposed species becomes available, this determination may be reconsidered.

The above comments pertaining to endangered species under our jurisdiction are provided pursuant to the Endangered Species Act. This response does not preclude additional Service comments under the Fish and Wildlife Coordination Act or other legislation.

For additional information on fish and wildlife resources or State-listed species, we suggest you contact:

New York State Department
of Environmental Conservation
Region 3
21 South Putt Corners Road
New Paltz, NY 12561-1676
(914) 256-3000

New York State Department
of Environmental Conservation
Wildlife Resources Center - Information Services
New York Natural Heritage Program
700 Troy-Schenectady Road
Latham, NY 12110-2400
(518) 783-3932

National Wetlands Inventory (NWI) maps may or may not be available for the project area. However, while the NWI maps are reasonably accurate, they should not be used in lieu of field surveys for determining the presence of wetlands or delineating wetland boundaries for Federal regulatory purposes. Copies of specific NWI maps can be obtained from:

Cornell Institute for Resource Information Systems
302 Rice Hall
Cornell University
Ithaca, NY 14853
Telephone: (607) 255-4864

Work in certain waters and wetlands of the United States may require a permit from the U.S. Army Corps of Engineers (Corps). If a permit is required, in reviewing the application pursuant to the Fish and Wildlife Coordination Act, the Service may concur, with or without stipulations, or recommend denial of the permit depending upon the potential adverse impacts on fish and wildlife resources associated with project implementation. The need for a Corps permit may be determined by contacting Mr. Joseph Seebode, Chief, Regulatory Branch, U.S. Army Corps of Engineers, 26 Federal Plaza, New York, NY 10278 (telephone: [212] 264-3996).

If you require additional information please contact Michael Stoll at (607) 753-9334.

Sincerely,



ACTING FOR

David A. Stilwell
Acting Field Supervisor

cc: NYSDEC, New Paltz, NY (Environmental Permits)
NYSDEC, Latham, NY
COE, New York, NY

TOP OF NEW WINDSOR PLANNING BOARD SUBDIVISION/LOT LINE CHANGE CHECKLIST

The following checklist items shall be incorporated on the Subdivision Plan prior to consideration for being placed on the Planning Board Agenda:

1. x Name and address of Applicant.
 - * 2. x Name and address of Owner.
 3. x Subdivision name and location
 4. x Provide 4" wide X 2" high box (IN THE LOWEST RIGHT CORNER OF THE PLAN) for use by Planning Board in affixing Stamp of Approval.
(ON ALL PAGES OF SUBDIVISION PLAN)
- SAMPLE: 
5. x Tax Map Data (Section, Block & Lot).
 6. x Location Map at a scale of 1" = 2,000 ft.
 7. x Zoning table showing what is required in the particular zone and what applicant is proposing.
 8. n/a Show zoning boundary if any portion of proposed subdivision is within or adjacent to a different zone.
 9. x Date of plat preparation and/or date of any plat revisions.
 10. x Scale the plat is drawn to and North arrow.
 11. x Designation (in title) if submitted as sketch plan, preliminary plan or final plan.
 12. TBP Surveyor's certificate.
 13. TBP Surveyor's seal and signature.
 14. TBP Name of adjoining owners.
 15. n/a Wetlands and 100 foot buffer zone with an appropriate note regarding DEC requirements.
 - * 16. n/a Flood land boundaries.
 17. n/a A note stating that the septic system for each lot is to be designed by a licensed professional before a building permit can be issued.
 18. TBP Final metes and bounds.

19. X Name and width of adjacent streets; the road boundary is to be a minimum of 25 ft. from the physical center line of the street.
20. TBP Include existing or proposed easements.
21. X Right-of-way widths.
22. TBP Road profile and typical section (minimum traveled surface, excluding shoulders, is to be 16 ft. wide).
23. TBP Lot area (in square feet for each lot less than 2 acres).
24. TBP Number the lots including residual lot.
25. X Show any existing waterways.
- *26. TBP A note stating a road (or any other type) maintenance agreement is to be filed in the Town Clerk's Office and County Clerk's Office.
27. TBP Applicable note pertaining to owners review and concurrence with plat together with owners signature.
28. X Show any existing or proposed improvements, i.e., drainage systems, water lines, sewer lines, etc. (including location, size and depths).
29. TBP Show all existing houses, accessory structures, existing wells and septic systems within 200 ft. of the parcel to be subdivided.
30. n/a Show all and proposed on-site A septic system and well locations; with percolation and deep test locations and information, including date of test and name of professional who performed test.
31. n/a Provide A septic system design notes as required by the Town of New Windsor.
32. X Show existing grade by contour (2 ft. interval preferred) and indicate source of contour data.
33. TBP Indicate percentage and direction of grade.
34. X Indicate any reference to previous, i.e., file map date, file map number and previous lot number.
35. n/a Indicate location of street or area lighting (if required).

REFERRING TO QUESTION 9 ON THE APPLICATION FORM, AIS THIS PROPERTY WITHIN AN AGRICULTURAL DISTRICT CONTAINING A FARM OPERATION OR WITHIN 500 FEET OF A FARM OPERATION LOCATED IN AN AGRICULTURAL DISTRICT, PLEASE NOTE THE FOLLOWING:

36. n/a Referral to Orange County Planning Dept. is required for all applicants filing AD Statement.
37. n/a A disclosure Statement, in the form set below, must be inscribed on all subdivision maps prior to the affixing of a stamp of approval, whether or not the Planning Board specifically requires such a statement as a condition of approval.

APrior to the sale, lease, purchase, or exchange of property on this site which is wholly or partially within or immediately adjacent to or within 500 feet of a farm operation, the purchaser or leasor shall be notified of such farm operation with a copy of the following notification.

It is the policy of this State and this community to conserve, protect and encourage the development and improvement of agricultural land for the production of food, and other products, and also for its natural and ecological value. This notice is to inform prospective residents that the property they are about to acquire lies partially or wholly within an agricultural district or within 500 feet of such a district and that farming activities occur within the district. Such farming activities may include, but not be limited to, activities that cause noise, dust and odors.

This list is provided as a guide only and is for the convenience of the Applicant. The Town of New Windsor Planning Board may require additional notes or revisions prior to granting approval.

PREPARER'S ACKNOWLEDGMENT:

THE PLAT FOR THE PROPOSED SUBDIVISION HAS BEEN PREPARED IN ACCORDANCE WITH THIS CHECKLIST AND THE TOWN OF NEW WINDSOR ORDINANCES, TO THE BEST OF MY KNOWLEDGE.

BY: [Signature]

Licensed Professional

Date

3/15/00

CHRONOLOGICAL JOB STATUS REPORT

JOB: 87-56

NEW WINDSOR PLANNING BOARD (Chargeable to Applicant)

CLIENT: NEWWIN - TOWN OF NEW WINDSO

TASK: 0- 6

FOR WORK DONE PRIOR TO: 03/06/2006

TASK-NO	REC	--DATE--	TRAN	EMPL	ACT	DESCRIPTION-----	RATE	HRS.	TIME	EXP.	-----DOLLARS-----	
											BILLED	BALANCE
0-6	225226	04/13/04	TIME	RDM	MM	CORN COMM/MTG W/CORN	99.00	1.00	99.00			
									108.50			
0-6	228478	05/24/04				BILL 04-543					-108.50	
											-108.50	
0-6	229501	06/09/04	TIME	MJE	MM	Corn Comm Prelim+6mo	99.00	0.10	9.90			
0-6	247174	12/06/04	TIME	MJE	MC	CORN COMMONS W/MM	99.00	0.30	29.70			
0-6	253159	02/23/05	TIME	MJE	MM	C/C Prelim + 6mos	99.00	0.10	9.90			
0-6	266273	06/23/05	TIME	RDM	MR	CORNWALL COMMON-MAP	99.00	1.00	99.00			
0-6	272002	08/24/05	TIME	MJE	MM	Corn Comm PrelimExt	99.00	0.10	9.90			
									158.40			
0-6	272220	08/30/05				BILL 05-1154					-158.40	
											-158.40	
0-6	207199	01/03/06	TIME	RDM	MR	CORNWALL COMMONS	115.00	0.50	57.50			
									57.50			
0-6	292183	02/17/06				BILL 06-544					-57.50	
											-57.50	
						TASK TOTAL			2575.20		-2575.20	
										0.00		0.00
						GRAND TOTAL			2575.20		-2575.20	
										0.00		0.00

CHRONOLOGICAL JOB STATUS REPORT

JOB: 87-56

NEW WINDSOR PLANNING BOARD (Chargeable to Applicant)

CLIENT: NEWWIN - TOWN OF NEW WINDSO

TASK: 0- 6

FOR WORK DONE PRIOR TO: 03/06/2006

TASK-NO	REC	--DATE--	TPAN	EMPL	ACT	DESCRIPTION	RATE	HRS.	TIME	EXP.	BILLED	BALANCE
0-6	197596	04/16/03				BILL 03-483					-142.50	
											-142.50	
0-6	198959	05/01/03	TIME	MJE	MC	TC/HK RE CORN COMM	95.00	0.30	28.50			
0-6	198960	05/02/03	TIME	MJE	MC	NC/GM RE CORN COMM	95.00	0.20	19.00			
0-6	198961	05/02/03	TIME	MJE	MC	NC/HK RE CORN COMM	95.00	0.30	28.50			
0-6	199005	05/06/03	TIME	MJE	PM	MEET W/GM & HK RE CO	95.00	0.40	38.00			
0-6	199006	05/06/03	TIME	MJE	PM	MEET W/TULLY RE CORN	95.00	1.00	95.00			
0-6	199012	05/07/03	TIME	MJE	WS	CORNWALL COMMONS	95.00	0.40	38.00			
0-6	199544	05/13/03	TIME	MJE	MC	CORNWALL COMMONS SUB	95.00	0.50	47.50			
									294.50			
0-6	199942	05/22/03				BILL 03-631					-294.50	
											-294.50	
0-6	202367	06/18/03	TIME	MJE	WS	CORNWALL COMMONS	95.00	0.50	47.50			
0-6	202359	06/18/03	TIME	MJE	MC	TC/TULLY RE CORN COM	95.00	0.30	28.50			
0-6	203052	07/02/03	TIME	MJE	WS	CORN COMMONS SUB N/S	95.00	0.40	38.00			
0-6	203771	07/09/03	TIME	MJE	MC	CORNWALL COMMONS SUB	95.00	0.50	47.50			
0-6	204154	07/16/03	TIME	MJE	WS	CORN COMMONS SUB	95.00	0.40	38.00			
0-6	204434	07/21/03	TIME	MJE	MC	CORN COMM SUBDIV RES	95.00	0.60	57.00			
0-6	204438	07/22/03	TIME	MJE	MC	CORNWALL COMMONS	95.00	1.00	95.00			
0-6	204448	07/24/03	TIME	MJE	PM	TULLY RE CORN CONDOS	95.00	0.50	47.50			
									399.00			
0-6	204253	07/23/03				BILL 03-899					-161.50	
											-161.50	
0-6	207145	08/25/03	TIME	MJE	MC	NC/KROLL RE CORN	95.00	0.30	28.50			
0-6	207147	08/26/03	TIME	MJE	MC	CORN COMM	95.00	0.50	47.50			
0-6	207142	08/27/03	TIME	MJR	MC	TC/TULLY RE CORN COM	95.00	0.30	28.50			
									104.50			
0-6	206676	08/26/03				BILL 03-1021					-237.50	
0-6	209161	10/01/03				BILL 03-1187					-104.50	
											-342.00	
0-6	216810	01/14/04	TIME	MJE	MM	Corn Comm 6 Mos PERL	95.00	0.10	9.50			

CHRONOLOGICAL JOB STATUS REPORT

JOB: 87-56

NEW WINDSOR PLANNING BOARD (Chargeable to Applicant)

CLIENT: NEWWIN - TOWN OF NEW WINDSOR

TASK: 0- 6

FOR WORK DONE PRIOR TO: 03/06/2006

TASK-NO	REC	--DATE--	TRAN	EMPL	ACT	DESCRIPTION-----	RATE	HRS.	TIME	EXP.	BILLED	BALANCE
0-6	159709	06/12/01	TIME	MJE	MC	AMATO SWR W/TULLY	85.00	0.30	25.50			
0-6	163212	08/27/01	TIME	MJE	MC	TC/TULLY RE AMATO	85.00	0.20	17.00			
0-6	163219	08/29/01	TIME	MJE	PM	MTG TULLY RE AMATO	85.00	1.00	85.00			
									127.50			
0-6	164086	08/31/01				BILL 1-858 8/20/01						-127.50
												-127.50
0-6	165300	10/04/01	TIME	MJE	MC	TC/AM AMATO SEWER	85.00	0.30	25.50			
0-6	165814	10/17/01	TIME	MJE	PM	AMATO MTG W/TULLY	85.00	0.80	68.00			
0-6	165815	10/17/01	TIME	MJE	PM	MEET W/GM RE AMATO	85.00	0.30	25.50			
0-6	165818	10/18/01	TIME	MJE	MC	DISC EIS AMATO W/TLY	85.00	0.30	25.50			
									144.50			
0-6	167358	11/27/01				BILL 1-1089 11/27/01						-144.50
												-144.50
0-6	172801	02/21/02	TIME	MJE	WS	CORN COMMONS	88.00	0.40	35.20			
0-6	172802	02/21/02	TIME	MJE	WS	CORN COMMONS	88.00	0.40	35.20			
0-6	175842	04/16/02	TIME	EDM	MR	CORNWALL COMMONS	88.00	1.00	88.00			
0-6	176102	04/24/02	TIME	MJE	MC	CORN COMMONS	88.00	0.30	26.40			
0-6	176284	04/25/02	TIME	EDM	PM	CWL CHNS MTG W/APP	88.00	1.00	88.00			
									272.80			
0-6	177456	05/30/02				BILL 02-663						-272.80
												-272.80
0-6	187281	10/29/02	TIME	MJE	MC	LTR TO CORNWALL P/B	88.00	0.50	44.00			
0-6	187683	11/04/02	TIME	MJE	MC	RVN PROJECT W/MM	88.00	0.50	44.00			
									88.00			
0-6	188328	11/20/02				BILL 02-1316						-88.00
												-88.00
0-6	194453	03/07/03	TIME	MJE	PM	DISC CORN COMM SUB	95.00	0.50	47.50			
0-6	196053	03/18/03	TIME	EDM	MR	CORN COMM RVN FEIS	95.00	1.00	95.00			
									142.50			

CHRONOLOGICAL JOB STATUS REPORT

JOB: 87-56

NEW WINDSOR PLANNING BOARD (Chargeable to Applicant)

CLIENT: NEWWIN - TOWN OF NEW WINDSO

TASK: 0- 6

FOR WORK DONE PRIOR TO: 03/06/2006

TASK-NO	REC	DATE	TRAN	EMPL	ACT DESCRIPTION	RATE	HRS.	TIME	EXP.	BILLED	BALANCE
0-6	139594	03/21/00	TIME	MJE	MC REV CWL COMM/ W/FI	80.00	0.60	48.00			
0-6	139595	03/21/00	TIME	MJE	MC CWL COMM MAJOR SUB	80.00	0.50	40.00			
0-6	139600	03/22/00	TIME	MJE	MC CORN COM MAJOR SUB	80.00	0.20	16.00			
0-6	139684	03/22/00	TIME	SAS	CL CWL COMMONS PB COM	28.00	0.50	14.00			
0-6	141486	04/11/00	TIME	RDM	MC CORN COMMONS GIS SCO	80.00	0.50	40.00			
								158.00			
0-6	140388	04/14/00			BILL 00-425						-118.00
0-6	144690	07/14/00			BILL 00-682						-40.00
											-158.00
0-6	151657	11/14/00	TIME	RDM	MM CORNWALL COMMONS-MTG	80.00	1.50	120.00			
								120.00			
0-6	151989	12/14/00			BILL 00-1147						-120.00
											-120.00
0-6	153270	01/08/01	TIME	MJE	MC TC/MYRA RE:AMATO APP	85.00	0.40	34.00			
0-6	153272	01/08/01	TIME	MJE	MC TC/EGITTO-AMATO SWR	85.00	0.40	34.00			
0-6	153615	01/26/01	TIME	MJE	PM EGITTO RE:AMATO	85.00	0.30	25.50			
0-6	153914	01/30/01	TIME	MJE	MC TC/TULLY RE AMATO	85.00	0.40	34.00			
0-6	154277	02/23/01	TIME	MJE	PM MTG W/TULLY & EGITTO	85.00	1.00	85.00			
								212.50			
0-6	154222	02/23/01			BILL 01-212						-127.50
											-127.50
0-6	155886	03/07/01	TIME	MJE	MC AMATO W/L&T	85.00	0.40	34.00			
0-6	156304	03/23/01	TIME	MJE	MC CORN COMM W/L&T	85.00	0.30	25.50			
0-6	157363	04/04/01	TIME	MJE	PM CORN COMMONS MTG	85.00	1.00	85.00			
0-6	157409	04/25/01	TIME	MJE	MC TC TULLY RE SEWER	85.00	0.30	25.50			
0-6	157743	04/30/01	TIME	MJE	MC TC/TULLY RE AMATO	85.00	0.20	17.00			
								187.00			
0-6	157159	04/26/01			BILL 01-448						-144.50
0-6	158543	05/29/01			BILL 01-583						-127.50
											-272.00